



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H1004	3
HF161	5
HF162	10
HF163	13
HF164	15
HF165	18
HF166	21
HF167	26
HF168	28
HF169	31
HF170	33
HF171	37
HF172	41
HF173	49
HF174	52
HF175	55
HF176	57
HF177	59
HF178	72
HF179	76
HSB110	83
HSB111	101
HSB112	109
HSB113	111
SF148	118
SF149	120
SF150	123
SF151	128
SF152	130
SF153	132
SF154	148
SF155	150
SF156	153
SF157	158
SF158	163
SF159	165



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

SF160	167
SF161	169
SF162	171
SJR3	173
SSB1127	175
SSB1128	193
SSB1129	199
SSB1130	213
SSB1131	219



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

House File 160

H-1004

1 Amend House File 160 as follows:

2 1. By striking page 1, line 1, through page 2, line
3 35, and inserting:

4 <Section 1. MENTAL HEALTH AND DISABILITY SERVICES
5 REDESIGN TRANSITION FUND.

6 1. There is transferred from the general fund of
7 the state to the department of human services for the
8 fiscal year beginning July 1, 2012, and ending June 30,
9 2013, the following amount, or so much thereof as is
10 necessary, to be used for the purposes designated:

11 To be credited to the mental health and disability
12 services redesign transition fund created in 2012 Iowa
13 Acts, chapter 1120, section 23:

14 \$ 20,000,000

15 2. a. The moneys credited to the mental health and
16 disability services redesign transition fund pursuant
17 to subsection 1 are appropriated to the department
18 of human services for allocation as provided in this
19 lettered paragraph. The moneys shall be allocated to
20 those counties identified by the department in scenario
21 1 of the department's report on the transition fund
22 submitted to the general assembly on December 4, 2012,
23 pursuant to 2012 Iowa Acts, chapter 1120, section 23,
24 to be used to continue or restore services as provided
25 in the county applications in the award amounts
26 determined by the department and listed under scenario
27 1 in the report appendix. In addition, the moneys
28 shall be allocated to the identified counties and to
29 the other counties that applied for the transition
30 fund, in the amounts necessary for the counties to
31 carry forward from the fiscal year beginning July 1,
32 2012, to the succeeding fiscal year, an ending balance
33 of not less than 16.87 percent nor more than 25 percent
34 of the amount each of the counties levied for the
35 services fund created in section 331.424A for the
36 fiscal year beginning July 1, 2012.

37 b. The allocations under this subsection shall be
38 remitted to counties not later than two calendar weeks
39 following the effective date of this division of this
40 Act.

41 c. A county receiving an allocation under this
42 subsection and any other county with an obligation for
43 outstanding undisputed Medicaid billings from a prior
44 fiscal year shall either remit any unpaid portion of
45 the obligation to the state before the close of the
46 fiscal year beginning July 1, 2012, or have developed a
47 plan with the department for payment of the obligation
48 over a defined period of time.>

49 2. By renumbering as necessary.

HF160.88 (1) 85

-1-

jp/rj

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

HEDDENS of Story



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

House File 161 - Introduced

HOUSE FILE 161
BY M. SMITH

A BILL FOR

1 An Act requiring regional mental health and disability services
2 to be provided to both children and adults.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1628HH (3) 85
jp/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 161

1 Section 1. Section 225C.6B, subsection 3, as enacted by
2 2012 Iowa Acts, chapter 1120, section 8, is amended to read as
3 follows:

4 3. *State and regional disability service systems.* The
5 publicly financed disability services for persons with mental
6 illness, intellectual disability or other developmental
7 disability, or brain injury in this state shall be provided by
8 the department and the counties operating together as regions.
9 The financial and administrative responsibility for such
10 services is as follows:

11 a. Disability services for children and adults that are
12 covered under the medical assistance program pursuant to
13 chapter 249A are the responsibility of the state.

14 b. ~~Adult mental~~ Mental health and intellectual disability
15 services for children and adults that are not covered under
16 the medical assistance program are the responsibility of
17 the county-based regional service system. However, the
18 county-based regional services system is not responsible for
19 such mental health and intellectual disability services for
20 a child subject to a court order under chapter 232, services
21 recommended or authorized by the department or juvenile court
22 services to avoid or eliminate the need for such a court order,
23 services provided through the mental health service system
24 for children and youth administered by the department under
25 subchapter VI of this chapter, and other public welfare, child
26 welfare, and juvenile justice services funded in whole or in
27 part by the state or federal government.

28 Sec. 2. Section 331.389, subsection 1, paragraph a, Code
29 2013, is amended to read as follows:

30 a. Local access to mental health and disability services
31 for children and adults that are not covered under the medical
32 assistance program shall be provided either by counties
33 organized into a regional service system or by individual
34 counties that are exempted as provided by this subsection.
35 The department of human services shall encourage counties to

LSB 1628HH (3) 85

-1-

jp/rj

1/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 161

1 enter into a regional system when the regional approach is
2 likely to increase the availability of services to residents
3 of the state who need the services. It is the intent of the
4 general assembly that the child and adult residents of this
5 state should have access to needed mental health and disability
6 services regardless of the location of their residence.

7 Sec. 3. Section 331.396, subsection 1, paragraph b, Code
8 2013, is amended to read as follows:

9 ~~b. The person is at least eighteen years of age and is a~~
10 resident of this state. ~~However, a~~ A person who is seventeen
11 years of age, is a resident of this state, and is receiving
12 ~~publicly funded~~ state-funded children's services ~~may but~~
13 will be eligible for services under the regional services
14 system upon becoming eighteen years of age shall be considered
15 eligible for provided services through the regional service
16 system during the three-month period preceding the person's
17 eighteenth birthday in order to provide a smooth transition
18 from state-funded children's services to county-funded adult
19 services.

20 Sec. 4. Section 331.396, subsection 2, paragraph b, Code
21 2013, is amended to read as follows:

22 ~~b. The person is at least eighteen years of age and is a~~
23 resident of this state. ~~However, a~~ A person who is seventeen
24 years of age, is a resident of this state, and is receiving
25 ~~publicly funded~~ state-funded children's services ~~may but will~~
26 be eligible for services funded under the regional services
27 system upon becoming eighteen years of age shall be considered
28 eligible for provided services through the regional service
29 system during the three-month period preceding the person's
30 eighteenth birthday in order to provide a smooth transition
31 from state-funded children's services to county-funded adult
32 services.

33 Sec. 5. IMPLEMENTATION OF ACT. Section 25B.2, subsection
34 3, shall not apply to this Act.

35

EXPLANATION

LSB 1628HH (3) 85

-2-

jp/rj

2/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 161

1 This bill requires regional mental health and disability
2 services to be provided to both children and adults.
3 Under current law enacted in 2012 Iowa Acts, chapter 1120
4 (SF 2315) to redesign mental health and disability services,
5 counties are in the process of forming into regions to provide
6 a system for the delivery of such services to adults that are
7 not covered by the medical assistance (Medicaid) program.
8 Initially, the service system is required to cover adults with
9 mental health needs and adults with an intellectual disability.
10 Under current law, the state has financial and
11 administrative responsibility for publicly financed disability
12 services for adults and children with mental illness,
13 intellectual disability or other developmental disability, or
14 brain injury covered under the Medicaid program. Counties
15 operating together as regions in this state have financial and
16 administrative responsibility for non-Medicaid mental health
17 and intellectual disability services provided to adults.
18 The bill expands this regional system responsibility
19 to include children. However, the bill specifies that the
20 regional service system is not responsible for such mental
21 health and intellectual disability services for a child subject
22 to a court order under Code chapter 232 (primarily juvenile
23 delinquency, child in need of assistance, and termination of
24 parental rights), services recommended or authorized by the
25 department or juvenile court services to avoid or eliminate
26 the need for such a court order, services provided through
27 the mental health service system for children and youth
28 administered by the department of human services under Code
29 chapter 225G, and other public welfare, child welfare, and
30 juvenile justice services funded in whole or in part by the
31 state or federal government.
32 Current law in Code section 331.396 includes eligibility for
33 services under the regional service system for the three-month
34 period preceding age 18 for children receiving publicly funded
35 children's services in order to provide a smooth transition

LSB 1628HH (3) 85

-3-

jp/rj

3/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 161

1 to the adult system. The bill continues this eligibility for
2 children transitioning from state-funded children's services to
3 the county-funded regional system.

4 The bill may include a state mandate as defined in Code
5 section 25B.3. The bill makes inapplicable Code section 25B.2,
6 subsection 3, which would relieve a political subdivision from
7 complying with a state mandate if funding for the cost of
8 the state mandate is not provided or specified. Therefore,
9 political subdivisions are required to comply with any state
10 mandate included in the bill.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

House File 162 - Introduced

HOUSE FILE 162
BY BACON

A BILL FOR

- 1 An Act permitting the use of crossbows to hunt deer and
- 2 providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2083YH (2) 85
av/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 162

1 Section 1. Section 483A.8, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 8. a. The commission shall adopt a
4 rule permitting a resident to use a crossbow for taking deer
5 during the same times that deer may be taken by muzzleloading
6 rifle or muzzleloading pistol. The commission shall prepare
7 an application to be used by a resident requesting a license
8 to hunt deer using a crossbow pursuant to this paragraph.

9 A person issued a license pursuant to this paragraph shall
10 be otherwise qualified to hunt deer in this state and shall
11 purchase a hunting license that includes the wildlife
12 habitat fee and pay the one dollar fee that shall be used
13 and is appropriated for the purpose of deer herd population
14 management, including assisting with the cost of processing
15 deer donated to the help us stop hunger program administered
16 by the commission.

17 b. A resident may obtain a license under this paragraph
18 in addition to a statewide antlered or any sex deer hunting
19 bow season license. With the exception of season dates,
20 the shooting hours, limits, license quotas, and any other
21 regulations for the license shall be the same as those set
22 forth by the commission by rule for bow season deer hunts.

23 **EXPLANATION**

24 This bill directs the natural resource commission to adopt
25 a rule permitting a resident to use a crossbow to hunt deer
26 during the same times that are allowed for hunting deer with a
27 muzzleloading rifle or pistol. The commission shall prepare
28 an application for a crossbow deer hunting license. A person
29 issued such a license must be otherwise qualified to hunt deer
30 in this state and purchase a hunting license that includes the
31 wildlife habitat fee and pay the one dollar fee that is used
32 for deer herd population management.

33 A resident may obtain a crossbow license in addition to
34 licenses that are available for hunting deer during regular
35 bow season. With the exception of season dates for crossbow

LSB 2083YH (2) 85

-1-

av/nh

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 162

1 hunting, all other regulations pertaining to bow season deer
2 hunting are applicable to hunting deer with a crossbow.

3 Persons with disabilities (Code section 481A.38(1)(b)) and
4 residents who are 70 years of age and older (Code section
5 483A.8B) are currently allowed to use a crossbow to hunt deer
6 during bow season.

7 A violation of the provisions of the bill is punishable by a
8 scheduled fine of \$25.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

House File 163 - Introduced

HOUSE FILE 163

BY HUNTER, WESSEL-KROESCHELL,
LENSING, ANDERSON,
ABDUL-SAMAD, and MASCHER

A BILL FOR

1 An Act prohibiting the sale or transfer of large capacity
2 ammunition feeding devices, providing penalties, and
3 including effective date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1613YH (4) 85
rh/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 163

1 Section 1. **NEW SECTION. 724.26A Sale or transfer of large**
2 **capacity ammunition feeding devices — penalty.**

3 1. For purposes of this section, a "*large ammunition feeding*
4 *device*" means a magazine, belt, drum, or similar device that has
5 a capacity of, or that can be readily restored or converted to
6 accept, more than ten rounds of ammunition.

7 2. A person who sells or transfers any large capacity
8 ammunition feeding device commits an aggravated misdemeanor.

9 Sec. 2. **EFFECTIVE UPON ENACTMENT.** This Act, being deemed of
10 immediate importance, takes effect upon enactment.

11 Sec. 3. **APPLICABILITY.** This Act applies to any large
12 capacity ammunition feeding device sold or transferred on or
13 after the effective date of this Act.

14 **EXPLANATION**

15 This bill prohibits the sale or transfer of large capacity
16 ammunition feeding devices, provides a penalty, and includes
17 effective date and applicability provisions.

18 The bill provides that a person who sells or transfers any
19 large capacity ammunition feeding device commits an aggravated
20 misdemeanor, punishable by confinement for no more than two
21 years and a fine of at least \$625 but not more than \$6,250.
22 Under the bill, a "*large ammunition feeding device*" means a
23 magazine, belt, drum, or similar device that has a capacity of,
24 or that can be readily restored or converted to accept, more
25 than 10 rounds of ammunition.

26 The bill takes effect upon enactment and applies to any large
27 capacity ammunition feeding device sold or transferred on or
28 after the effective date.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

House File 164 - Introduced

HOUSE FILE 164

BY HUNTER, WESSEL-KROESCHELL,
LENSING, STECKMAN,
ANDERSON, ABDUL-SAMAD, and
MASCHER

A BILL FOR

1 An Act relating to the sale or transfer of firearms, providing
2 penalties, and including applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1612YH (3) 85
rh/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 164

1 Section 1. **NEW SECTION. 724.32 Sale or transfer of firearms**
2 **— criminal history background check.**

3 1. A person shall not sell or transfer a firearm to another
4 person without receiving verification from a federally licensed
5 firearms dealer that information on the prospective purchaser
6 or transferee has been submitted to the department of public
7 safety for a criminal history background check and that a
8 determination has been received by the department of public
9 safety that the prospective purchaser or transferee is not
10 prohibited under either state or federal law from possessing a
11 firearm. A criminal history background check conducted under
12 this section shall include an inquiry of the national instant
13 criminal background check system maintained by the federal
14 bureau of investigation.

15 2. A person who sells or transfers a firearm in violation of
16 this section is guilty of an aggravated misdemeanor.

17 3. A federally licensed firearms dealer may charge and
18 collect fees for obtaining criminal history record information
19 checks on behalf of sellers or transferors.

20 4. The department of public safety shall adopt rules
21 pursuant to chapter 17A as necessary to carry out the
22 provisions of this section.

23 Sec. 2. **APPLICABILITY.** This Act applies to the sale or
24 transfer of firearms on or after July 1, 2013.

25 **EXPLANATION**

26 This bill relates to the sale or transfer of firearms,
27 provides penalties, and includes applicability provisions.

28 The bill prohibits a person from selling or transferring a
29 firearm to another person without receiving verification from
30 a federally licensed firearms dealer that information on the
31 prospective purchaser or transferee has been submitted to the
32 department of public safety for a criminal history background
33 check and that a determination has been received by the
34 department of public safety that the prospective purchaser or
35 transferee is not prohibited under either state or federal law

LSB 1612YH (3) 85

-1-

rh/rj

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 164

1 from possessing a firearm. A criminal history background check
2 under the bill includes an inquiry of the national instant
3 criminal background check system maintained by the federal
4 bureau of investigation.

5 The bill provides that a person who sells or transfers a
6 firearm in violation of this Code section is guilty of an
7 aggravated misdemeanor, punishable by confinement for no more
8 than two years and a fine of at least \$625 but not more than
9 \$6,250.

10 The bill provides that a federally licensed firearms dealer
11 may charge and collect fees for obtaining criminal history
12 record information checks on behalf of sellers and transferors
13 and the department of public safety shall adopt rules pursuant
14 to Code chapter 17A as necessary to carry out the provisions
15 of the bill.

16 The bill applies to the sale or transfer of firearms on or
17 after July 1, 2013.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

House File 165 - Introduced

HOUSE FILE 165
BY KAJTAZOVIC, KELLEY,
STECKMAN, and ISENHART

A BILL FOR

1 An Act authorizing the natural resource commission to limit the
2 types of ammunition that may be used to take wildlife in the
3 state.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1533YH (3) 85
av/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 165

1 Section 1. Section 481A.38, subsection 1, paragraph a, Code
2 2013, is amended to read as follows:

3 a. The commission may upon its own motion and after an
4 investigation, alter, limit, or restrict the methods or means
5 employed and the instruments or equipment used, including
6 the types of ammunition that may be used, in taking wild
7 mammals, birds subject to section 481A.48, fish, reptiles,
8 and amphibians, if the investigation reveals that the action
9 would be desirable or beneficial in promoting the interests of
10 conservation, or the commission may, after an investigation
11 when it is found there is imminent danger of loss of fish
12 through natural causes, authorize the taking of fish by means
13 found advisable to salvage imperiled fish populations.

14 Sec. 2. Section 481A.38, subsection 1, Code 2013, is amended
15 by adding the following new paragraph:

16 NEW PARAGRAPH. c. Pursuant to its power as the sole agency
17 to determine the facts as to whether biological balance does or
18 does not exist and the power to regulate taking conditions in
19 accordance with sound fish and wildlife management principles
20 pursuant to section 481A.39, the commission may adopt rules
21 prohibiting the use of lead shot as ammunition for the purpose
22 of taking wildlife in this state.

23 Sec. 3. Section 481A.39, Code 2013, is amended to read as
24 follows:

25 **481A.39 Biological balance maintained.**

26 The commission is designated the sole agency to determine
27 the facts as to whether biological balance does or does not
28 exist. The commission shall, by administrative rule, extend,
29 shorten, open, or close seasons and set, increase, or reduce
30 catch limits, bag limits, size limits, possession limits, or
31 territorial limitations or further regulate taking conditions,
32 including the type of ammunition that may be used for taking
33 wildlife, in accordance with sound fish and wildlife management
34 principles.

35

EXPLANATION



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 165

1 This bill provides that the natural resource commission may,
2 upon its own motion and after an investigation, restrict the
3 equipment used in taking certain wildlife, including the types
4 of ammunition that may be used. The bill allows the natural
5 resource commission to adopt rules prohibiting the use of lead
6 shot as ammunition for the purpose of taking wildlife in this
7 state, pursuant to the commission's power as the sole agency
8 to determine the facts as to whether biological balance exists
9 and the power to regulate taking conditions in accordance
10 with sound fish and wildlife management principles. The bill
11 also specifies that the commission's power to regulate taking
12 conditions includes regulating the type of ammunition which may
13 be used for taking wildlife.

14 A violation of a rule adopted pursuant to the bill for
15 attempting to take or taking an animal would be punishable as
16 a scheduled violation under Code sections 805.8B(3)(f) and
17 805.8B(3)(g), with the amount of the fine dependent on the type
18 of wildlife that was taken or attempted to be taken.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

House File 166 - Introduced

HOUSE FILE 166
BY KOESTER

A BILL FOR

1 An Act relating to persons offering orthotic, prosthetic, and
2 pedorthic services to the public, and relating to the scope
3 of orthotic, prosthetic, and pedorthic services which may
4 be ordered by certain health care providers, and including
5 transition provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1532YH (8) 85
jr/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 166

1 Section 1. Section 148F.2, subsections 2 and 4, Code 2013,
2 are amended to read as follows:

3 2. "*Orthosis*" means a custom-fabricated or custom-fitted
4 brace or support designed to provide for alignment, correction,
5 or prevention of neuromuscular or musculoskeletal dysfunction,
6 disease, injury, or deformity. "*Orthosis*" does not include
7 fabric or elastic supports, corsets, arch supports, low
8 temperature plastic splints, trusses, elastic ~~hoses~~ hose,
9 canes, crutches, soft cervical collars, dental appliances,
10 or other similar devices carried in stock and sold as
11 "over-the-counter" items by a drug store, department store,
12 corset shop, or surgical supply facility.

13 4. "*Orthotic and prosthetic scope of practice*" means a
14 list of tasks, with relative weight given to such factors as
15 importance, criticality, and frequency, based on nationally
16 accepted standards of orthotic and prosthetic care as
17 outlined by the American board for certification in orthotics,
18 prosthetics, and pedorthics, incorporated.

19 Sec. 2. Section 148F.2, subsection 3, unnumbered paragraph
20 1, Code 2013, is amended to read as follows:

21 "*Orthotic and prosthetic education program*" means a course
22 of instruction accredited by the ~~national~~ commission on
23 accreditation of allied health education programs, consisting
24 of both of the following:

25 Sec. 3. Section 148F.2, subsection 8, unnumbered paragraph
26 1, Code 2013, is amended to read as follows:

27 "*Pedorthic education program*" means an educational program
28 ~~accredited by the American board for certification in~~
29 ~~orthotics, prosthetics, and pedorthics~~ approved by the national
30 commission on orthotic and prosthetic education consisting of
31 all of the following:

32 Sec. 4. Section 148F.2, subsections 9 and 16, Code 2013, are
33 amended to read as follows:

34 9. "*Pedorthic scope of practice*" means a list of tasks
35 with relative weight given to such factors as importance,

LSB 1532YH (8) 85

-1-

jr/sc

1/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 166

1 criticality, and frequency based on nationally accepted
2 standards of pedorthic care as outlined by the American board
3 for certification in orthotics, prosthetics, and pedorthics,
4 incorporated.

5 16. "Resident" means a person who has completed an education
6 program in either orthotics or prosthetics and is continuing
7 the person's clinical education in a residency accredited by
8 the American board for certification in orthotics, prosthetics
9 and pedorthics national commission on orthotic and prosthetic
10 education.

11 Sec. 5. Section 148F.5, subsection 2, paragraph c, Code
12 2013, is amended to read as follows:

13 c. Complete a qualified ~~work~~ clinical experience program
14 ~~or internship~~ in pedorthics that has a minimum of one thousand
15 hours of pedorthic patient care experience in accordance
16 with any standards, guidelines, or procedures established
17 and approved by the board. The majority of training must
18 be devoted to services performed under the supervision of a
19 licensed orthotist or licensed practitioner of pedorthics or a
20 person certified as a certified pedorthist whose practice is
21 located outside the state.

22 Sec. 6. Section 148F.7, Code 2013, is amended to read as
23 follows:

24 **148F.7 Limitation on provision of care and services.**

25 A licensed orthotist, prosthetist, or pedorthist may provide
26 care or services only if the care or services are provided
27 pursuant to an order from a licensed physician, a licensed
28 podiatric physician, an advanced registered nurse practitioner
29 ~~who has a written collaborative agreement with a collaborating~~
30 ~~physician or podiatric physician that specifically authorizes~~
31 ~~ordering the services of an orthotist, prosthetist, or~~
32 ~~pedorthist, an advanced registered nurse practitioner who~~
33 ~~practices in a hospital or ambulatory surgical treatment center~~
34 ~~and possesses clinical privileges to order services of an~~
35 ~~orthotist, prosthetist, or pedorthist~~ licensed pursuant to

LSB 1532YH (8) 85

-2-

jr/sc

2/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 166

1 chapter 152 or 152E, or a physician assistant who has been
2 delegated the authority to order the services of an orthotist,
3 prosthetist, or pedorthist by the assistant's supervising
4 physician. ~~A licensed podiatric physician or an advanced~~
5 ~~registered nurse practitioner collaborating with a podiatric~~
6 ~~physician may only order care or services concerning the foot~~
7 ~~from a licensed pedorthist or orthotist.~~

8 Sec. 7. NEW SECTION. 148F.9 Transition period.

9 1. Through June 30, 2014, a person certified as an
10 orthotist, prosthetist, or pedorthist by the American board
11 for certification in orthotics, prosthetics, and pedorthics,
12 incorporated, or holding similar certification from other
13 accrediting bodies, may apply for and may be issued an initial
14 license to practice orthotics, prosthetics, or pedorthics under
15 the provisions of this chapter without meeting the requirements
16 of section 148F.5, upon proof of current certification in good
17 standing and payment of the required licensure fees.

18 2. Through June 30, 2014, a person not certified as
19 described in subsection 1 who has practiced continuously
20 for at least thirty hours per week on average for at least
21 five of seven years in an accredited and bonded facility
22 as an orthotist, prosthetist, or pedorthist may file an
23 application with the board to continue to practice orthotics,
24 prosthetics, or pedorthics. The practice described under this
25 subsection shall only be required to have been performed in
26 an accredited and bonded facility if the facility is required
27 to be accredited and bonded by Medicare. The five years of
28 continuous practice must occur between July 1, 2007, and July
29 1, 2014. A person applying under this subsection may be
30 issued an initial license to practice orthotics, prosthetics,
31 or pedorthics under the provisions of this chapter without
32 meeting the requirements of section 148F.5, upon payment of the
33 licensure fees required by the department and after the board
34 has reviewed the application.

35 3. On or after July 1, 2014, an applicant for licensure

LSB 1532YH (8) 85

-3-

jr/sc

3/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 166

1 as an orthotist, prosthetist, or pedorthist shall meet the
2 requirements of section 148F.5.

3 4. The board shall adopt rules to administer this section.

4 EXPLANATION

5 This bill contains several amendments to Code chapter 148F
6 regulating orthotic, prosthetic, and pedorthic practice and
7 services. The name of the national organization which approves
8 the course of instruction has been changed, and the bill makes
9 related conforming changes. The bill also provides that the
10 work component of the licensing requirement include a clinical
11 component and eliminates provisions for internships.

12 The bill strikes a provision in Code section 148F.7 that
13 specified circumstances under which a licensed advanced
14 registered nurse practitioner could order care or services
15 concerning the foot from a licensed pedorthist or orthotist,
16 and, instead, generally gives a licensed advanced registered
17 nurse practitioner that authority.

18 The bill creates a transition period through June 30,
19 2014, allowing persons who are certified as an orthotist,
20 prosthetist, or pedorthist by a national organization or who
21 have worked continuously as an orthotist, prosthetist, or
22 pedorthist for five of seven specified years to be licensed
23 without otherwise meeting the requirements of Code chapter
24 148F.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

House File 167 - Introduced

HOUSE FILE 167
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 49)

A BILL FOR

1 An Act establishing a child endangerment offense for the mother
2 of a newborn child who caused an illegal drug to be present
3 in the newborn child's body, and providing a penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1665HV (1) 85
jp/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 167

1 Section 1. Section 726.6, subsection 1, Code 2013, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. *i.* By act or omission a newborn child's
4 mother caused an illegal drug to be present in the newborn
5 child's body and the drug's presence is a direct and
6 foreseeable consequence of the act or omission. Unless the
7 presence of the illegal drug caused death or serious injury
8 to the newborn child, the drug's presence shall be considered
9 to have caused bodily injury to the newborn child. For the
10 purposes of this paragraph, "*newborn child*" means an infant who
11 is three days of age or younger.

12 Sec. 2. Section 726.6, subsection 6, Code 2013, is amended
13 to read as follows:

14 6. A person who commits child endangerment resulting in
15 bodily injury to a child or minor or child endangerment in
16 violation of subsection 1, paragraph "*g*" or "*i*", that does not
17 result in a serious injury, is guilty of a class "D" felony.

18 EXPLANATION

19 This bill provides a new child endangerment offense under
20 Code section 726.6. The new offense applies to an act or
21 omission by the child's mother that caused an illegal drug
22 to be present in the body of a newborn child as a direct and
23 foreseeable consequence of the act or omission. The term
24 "newborn child" is defined to mean an infant who is three days
25 of age or younger. Unless the presence of the illegal drug
26 caused death or serious injury to the newborn child, the drug's
27 presence is considered to have caused bodily injury to the
28 child. A child endangerment offense that causes bodily injury
29 to a child is punishable as a class "D" felony.

LSB 1665HV (1) 85

-1-

jp/nh

1/1



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

House File 168 - Introduced

HOUSE FILE 168
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 52)

A BILL FOR

1 An Act relating to the controlled substance of marijuana,
2 providing a penalty, and including an effective date
3 provision.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1308HV (2) 85
jm/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 168

1 Section 1. Section 124.204, subsection 4, paragraph m, Code
2 2013, is amended to read as follows:

3 ~~m. Marijuana, except as otherwise provided by rules of the~~
4 ~~board for medicinal purposes.~~

5 Sec. 2. Section 124.204, subsection 4, paragraph u,
6 unnumbered paragraph 1, Code 2013, is amended to read as
7 follows:

8 ~~Tetrahydrocannabinols, except as otherwise provided~~
9 ~~by rules of the board for medicinal purposes,~~ meaning
10 tetrahydrocannabinols naturally contained in a plant of
11 the genus Cannabis (Cannabis plant) as well as synthetic
12 equivalents of the substances contained in the Cannabis plant,
13 or in the resinous extractives of such plant, and synthetic
14 substances, derivatives, and their isomers with similar
15 chemical structure and pharmacological activity to those
16 substances contained in the plant, such as the following:

17 Sec. 3. Section 124.204, subsection 7, Code 2013, is amended
18 by striking the subsection.

19 Sec. 4. Section 124.206, subsection 7, Code 2013, is amended
20 to read as follows:

21 7. *Hallucinogenic substances.* Unless specifically excepted
22 or unless listed in another schedule, any material, compound,
23 mixture, or preparation which contains any quantity of the
24 ~~following substances:~~

25 ~~a. Marijuana when used for medicinal purposes pursuant to~~
26 ~~rules of the board.~~

27 ~~b. Nabilone~~ nabilone [another name for
28 nabilone: (+-) - trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-
29 hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one].

30 Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
31 immediate importance, takes effect upon enactment.

32 EXPLANATION

33 This bill relates to the control of marijuana.

34 Under the bill, all types of marijuana and
35 tetrahydrocannabinols are classified as schedule I controlled

LSB 1308HV (2) 85

-1-

jm/nh

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 168

1 substances. The bill eliminates a provision classifying
2 marijuana used for medicinal purposes, pursuant to rules of the
3 board of pharmacy, as a schedule II controlled substance.

4 The bill strikes references to the authority of the board
5 to establish rules relating to the medicinal use of marijuana
6 including tetrahydrocannabinols naturally contained in a
7 cannabis plant.

8 A schedule I controlled substance is a highly addictive
9 substance that has no accepted medical use in the United States
10 and a schedule II controlled substance is a highly addictive
11 substance that has an accepted medical use in the United
12 States.

13 The penalties for possessing, manufacturing, delivering,
14 or possessing with intent to deliver marijuana including
15 tetrahydrocannabinols range from a serious misdemeanor to a
16 50-year class "B" felony depending on the amount of marijuana
17 or tetrahydrocannabinols involved in the offense.

18 A serious misdemeanor is punishable by confinement for no
19 more than one year and a fine of at least \$315 but not more than
20 \$1,875. An aggravated misdemeanor is punishable by confinement
21 for no more than two years and a fine of at least \$625 but
22 not more than \$6,250. A class "D" felony is punishable by
23 confinement for no more than five years and a fine of at
24 least \$750 but not more than \$7,500. A class "C" felony is
25 punishable by confinement for no more than 10 years and a fine
26 of at least \$1,000 but not more than \$10,000. A class "B"
27 felony is normally punishable by confinement for no more than
28 25 years. A 50-year class "B" felony or sometimes referred to
29 as a "super B" felony is punishable by confinement for no more
30 than 50 years.

31 The bill takes effect upon enactment.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

House File 169 - Introduced

HOUSE FILE 169

BY SHAW, MAXWELL, ALONS,
SALMON, SCHULTZ, SHEETS,
HEARTSILL, HIGHFILL, and
BRANDENBURG

A BILL FOR

1 An Act relating to the carrying of weapons on school grounds.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1470YH (3) 85
rh/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 169

1 Section 1. Section 724.4B, subsection 2, paragraph a, Code
2 2013, is amended to read as follows:

3 a. A person listed under section 724.4, subsection 4,
4 paragraphs "b" through "f", "i", or "j".

5 EXPLANATION

6 Current law provides that a person who goes armed with,
7 carries, or transports a firearm of any kind, whether concealed
8 or not, on the grounds of a school (public or nonpublic)
9 commits a class "D" felony.

10 This current law does not apply to a peace officer, when
11 the officer's duties require the person to carry such weapons;
12 a member of the armed forces of the United States or of the
13 national guard or person in the service of the United States,
14 when the weapons are carried in connection with the person's
15 duties; a correctional officer, when the officer's duties
16 require; a person who for any lawful purpose carries an
17 unloaded pistol, revolver, or other dangerous weapon inside a
18 closed and fastened container or securely wrapped package which
19 is too large to be concealed on the person; a person who for
20 any lawful purpose carries or transports an unloaded pistol or
21 revolver in a vehicle inside a closed and fastened container or
22 securely wrapped package which is too large to be concealed on
23 the person or inside a cargo or luggage compartment where the
24 pistol or revolver will not be readily accessible to any person
25 riding in the vehicle or common carrier; or a law enforcement
26 officer from another state when the officer's duties require
27 the officer to carry the weapon and the officer is in this
28 state for certain reasons.

29 The bill expands this list of exceptions to include a person
30 who has in the person's possession and who displays to a peace
31 officer on demand a valid permit to carry weapons which has
32 been issued to the person, and whose conduct is within the
33 limits of that permit.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

House File 170 - Introduced

HOUSE FILE 170

BY SHAW, SCHULTZ, ALONS,
WATTS, HEARTSILL, HIGHFILL,
BRANDENBURG, and LANDON

(COMPANION TO LSB 1625SS BY
SORENSEN)

A BILL FOR

1 An Act relating to firearms including the ownership and
2 manufacture of firearms, firearm accessories, and
3 ammunition, providing for a penalty, and including effective
4 date and applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1625HH (4) 85
rh/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 170

1 Section 1. Section 724.2, subsection 6, Code 2013, is
2 amended to read as follows:

3 6. Any person, firm, or corporation who under the laws of
4 this state and the United States is lawfully engaged in the
5 improvement, invention, or manufacture of firearms, firearm
6 accessories, or ammunition.

7 Sec. 2. NEW SECTION. 724.28A Preemption — ownership and
8 manufacture of firearms, firearm accessories, and ammunition.

9 1. A public servant in this state or a firearm dealer who
10 sells a firearm in this state shall not enforce or attempt
11 to enforce any federal order, law, or regulation relating
12 to firearms, firearm accessories, or ammunition owned or
13 manufactured commercially or privately in this state and that
14 remains exclusively within this state.

15 2. An official, agent, or employee of the federal government
16 who enforces or attempts to enforce any federal order, law,
17 or regulation relating to firearms, firearm accessories, or
18 ammunition owned or manufactured commercially or privately in
19 this state and that remains exclusively within this state is
20 guilty of a class "D" felony.

21 3. The attorney general may defend a citizen of this
22 state who is prosecuted by the United States government for a
23 violation of any federal law relating to the manufacture, sale,
24 transfer, or possession of a firearm, firearm accessory, or
25 ammunition owned or manufactured commercially or privately in
26 this state and that remains exclusively within this state.

27 4. Any federal order, law, or regulation created on or after
28 the effective date of this Act shall be unenforceable in this
29 state if the federal order, law, or regulation attempts to do
30 any of the following:

31 a. Prohibit or restrict ownership of a semiautomatic firearm
32 or any magazine of a firearm.

33 b. Require any firearm, magazine, or other firearm accessory
34 to be registered in any manner.

35 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of

LSB 1625HH (4) 85

-1-

rh/rj

1/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 170

1 immediate importance, takes effect upon enactment.

2 Sec. 4. APPLICABILITY. This Act applies to firearms,
3 firearm accessories, and ammunition owned or manufactured
4 commercially or privately in this state that remains
5 exclusively within this state on or after the effective date
6 of this Act.

7 EXPLANATION

8 This bill relates to firearms, including the ownership
9 or manufacture of firearms, firearm accessories, and
10 ammunition, provides a penalty, and includes effective date and
11 applicability provisions.

12 The bill provides that a public servant in this state or
13 a firearm dealer who sells any firearm in this state shall
14 not enforce or attempt to enforce any federal order, law,
15 or regulation relating to firearms, firearm accessories, or
16 ammunition owned or manufactured commercially or privately in
17 this state and that remain exclusively within this state.

18 The bill provides that an official, agent, or employee of
19 the federal government who enforces or attempts to enforce any
20 federal order, law, or regulation relating to firearms, firearm
21 accessories, or ammunition owned or manufactured commercially
22 or privately in this state and that remain exclusively within
23 this state is guilty of a class "D" felony. A class "D" felony
24 is punishable by confinement for no more than five years and a
25 fine of at least \$750 but not more than \$7,500.

26 The bill allows the attorney general to defend a citizen of
27 this state who is prosecuted by the United States government
28 for a violation of any federal law relating to the manufacture,
29 sale, transfer, or possession of a firearm, firearm accessory,
30 or ammunition owned or manufactured commercially or privately
31 in this state and that remains exclusively within this state.

32 The bill provides that any federal order, law, or regulation
33 created on or after the effective date of the bill shall
34 be unenforceable within this state if the order, law, or
35 regulation attempts to prohibit or restrict ownership of a



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 170

1 semiautomatic firearm or any magazine of a firearm or that
2 requires any firearm, magazine, or other firearm accessory to
3 be registered in any manner.

4 The bill makes a conforming change to Code section 724.2 to
5 authorize any person, firm, or corporation lawfully engaged in
6 the improvement, invention, or manufacture of firearms, firearm
7 accessories, or ammunition to lawfully possess such items.

8 The bill provides for an effective date upon enactment
9 and applies to firearms, firearm accessories, and ammunition
10 manufactured and retained in Iowa on or after the effective
11 date.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

House File 171 - Introduced

HOUSE FILE 171

BY WINDSCHITL, KLEIN, KOESTER,
FRY, SCHULTZ, HUSEMAN,
FISHER, BRANDENBURG,
LANDON, HANUSA, COSTELLO,
and SALMON

A BILL FOR

1 An Act relating to the definition of person under the criminal
2 code.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 171

1 Section 1. NEW SECTION. 702.24 Person and application to
2 crimes against a person.

3 1. Whenever the word "*person*" appears in the criminal
4 code relating to crimes against a person, "*person*" means all
5 living human beings from the beginning of their biological
6 development as human organisms regardless of age, race, sex,
7 gender, capacity to function, condition of physical or mental
8 dependency or disability, or method of sexual or asexual
9 reproduction used, whether existing in vivo or in vitro,
10 and each person is accorded the same rights and protections
11 guaranteed to all persons by the Constitution of the United
12 States, the Constitution of the State of Iowa, and the laws of
13 this state.

14 2. Notwithstanding any other provision of law to the
15 contrary, in the criminal code:

16 a. The elements of a crime against a person shall not be
17 interpreted to preclude the use of medications or procedures
18 necessary to relieve a person's pain or discomfort if the
19 use of the medications or procedures is not intentionally or
20 knowingly prescribed or administered to cause the death of a
21 person.

22 b. The following acts do not constitute a crime against a
23 person:

24 (1) Medical treatment for life-threatening conditions,
25 provided to a person by a physician licensed to practice
26 medicine, which results in the accidental or unintentional
27 injury or death of another person.

28 (2) Legitimate medical treatment for life-threatening
29 conditions not intended to harm a person but which has the
30 foreseeable effect of ending a person's life, including
31 legitimate medical treatment to preserve the life of a pregnant
32 woman even if the foreseeable effect is harm to the fetus, as
33 long as the person providing the medical treatment exercises
34 that degree of professional skill, care, and diligence
35 available to preserve the life and health of the fetus.

LSB 1508YH (4) 85
pf/nh

-1-

1/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 171

1 (3) The creation of a person through in vitro fertilization.

2 (4) Contraception administered before a clinically
3 diagnosable pregnancy.

4 c. A crime against a person who has not yet been born shall
5 only be charged against the principal actor of the criminal
6 conduct.

7 (1) For the purposes of this lettered paragraph "c", a
8 person is a principal actor if the person does any of the
9 following:

10 (a) Commits an offense punishable under the criminal code or
11 aids, abets, counsels, commands, or procures its commission.

12 (b) Causes an act to be done which, if directly performed by
13 the person, would be punishable under the criminal code.

14 (2) For the purposes of this lettered paragraph "c", a
15 pregnant woman shall not be considered a principal actor.

16 3. This section shall not be interpreted as a basis for
17 insuring to or vesting in a child before the time of live birth
18 or in the biological parents of a child before the time of live
19 birth a pecuniary interest or citizenship status.

20 EXPLANATION

21 This bill defines "person" for the purposes of the criminal
22 code to be: all living human beings from the beginning of
23 their biological development as human organisms regardless
24 of age, race, sex, gender, capacity to function, condition
25 of physical or mental dependency or disability, or method of
26 sexual or asexual reproduction used, whether existing in vivo
27 or in vitro, and each person is accorded the same rights and
28 protections guaranteed to all persons by the Constitution of
29 the United States, the Constitution of the State of Iowa, and
30 the laws of this state.

31 The bill provides some exemptions to the interpretation
32 and application of crimes against a person based on the
33 definition. The bill provides that elements of a crime against
34 a person shall not be interpreted to preclude the use of
35 medications or procedures necessary to relieve a person's pain

LSB 1508YH (4) 85

pf/nh

2/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 171

1 or discomfort if the use of the medications or procedures is
2 not intentionally or knowingly prescribed or administered to
3 cause the death of a person. Additionally, the following acts
4 do not constitute a crime against a person:

5 1. Medical treatment for life-threatening conditions,
6 provided to a person by a physician licensed to practice
7 medicine, which results in the accidental or unintentional
8 injury or death of another person.

9 2. Legitimate medical treatment for life-threatening
10 conditions not intended to harm a person but which has the
11 foreseeable effect of ending a person's life, including
12 legitimate medical treatment to preserve the life of a pregnant
13 woman even if the foreseeable effect is harm to the fetus, as
14 long as the person providing the medical treatment exercises
15 that degree of professional skill, care, and diligence
16 available to preserve the life and health of the fetus.

17 3. The creation of a person through in vitro fertilization.

18 4. Contraception administered before a clinically
19 diagnosable pregnancy.

20 Finally, under the bill, a crime against a person who has not
21 yet been born shall only be charged against the principal actor
22 of the criminal conduct. The bill defines "principal actor"
23 for the purposes of the bill and provides that a pregnant woman
24 is not to be considered a principal actor.

25 The bill also provides that the provisions of the bill are
26 not to be interpreted as a basis for inuring to or vesting in
27 a child before the time of live birth or in the biological
28 parents of a child before the time of live birth a pecuniary
29 interest or citizenship status.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

House File 172 - Introduced

HOUSE FILE 172

BY WINDSCHITL, KLEIN, FRY,
SCHULTZ, HUSEMAN, FISHER,
HESS, SHEETS, ALONS,
BRANDENBURG, MAXWELL,
SALMON, and HAGENOW

A BILL FOR

1 An Act relating to school employees and the carrying of weapons
2 and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1505YH (9) 85
rh/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 172

1 Section 1. Section 724.4B, subsection 2, Code 2013, is
2 amended to read as follows:
3 2. Subsection 1 does not apply to the following:
4 a. A person listed under section 724.4, subsection 4,
5 paragraphs "b" through "f" or "j".
6 b. A school employee who possesses a valid school employee
7 permit to carry weapons pursuant to section 724.4C, if the
8 school employee goes armed with, carries, or transports any
9 firearm concealed on or about the school employee.
10 ~~b.~~ c. A person who has been specifically authorized by the
11 school to go armed, carry, or transport a firearm on the school
12 grounds, including for purposes of conducting an instructional
13 program regarding firearms.
14 Sec. 2. NEW SECTION. 724.7A School employee permit to carry
15 weapons.
16 1. For the purposes of this section:
17 a. "School" means a public school.
18 b. "School employee" means a person employed by a school,
19 or a person employed by an area education agency who provides
20 services to a school.
21 c. "School grounds" include school buildings, parking lots,
22 athletic fields, playgrounds, tennis courts, and any other
23 indoor or outdoor area under the control of a school.
24 2. A school employee, who is not disqualified under section
25 724.8 and who satisfies the background check and training
26 requirements of this section, shall be issued a school employee
27 permit to carry weapons which shall authorize the holder to
28 carry weapons on school grounds.
29 3. An application for a school employee permit to carry
30 weapons shall be made to the sheriff of the county in which the
31 school employee applicant resides. The sheriff, upon receipt
32 of an initial or renewal application under this section,
33 shall immediately conduct a background check concerning each
34 school employee applicant by obtaining criminal history data
35 from the department of public safety which shall include an

LSB 1505YH (9) 85

-1-

rh/rj

1/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 172

1 inquiry of the national instant criminal background check
2 system maintained by the federal bureau of investigation or any
3 successor agency.

4 4. A permit issued to a school employee under this section
5 shall be on a form prescribed and published by the commissioner
6 of public safety, which shall be readily distinguishable from
7 the nonprofessional permit and the professional permit, and
8 shall identify the holder of the permit. Such permits shall
9 not be issued for a particular weapon and shall not contain
10 information about a particular weapon including the make,
11 model, or serial number of the weapon or any ammunition used
12 in that weapon. All permits so issued shall be for a period of
13 five years and shall be valid throughout the state except where
14 the possession or carrying of a firearm is prohibited by state
15 or federal law.

16 5. A school employee who makes what the school employee
17 knows to be a false statement of material fact on an
18 application submitted under this section or who submits what
19 the school employee knows to be any materially falsified or
20 forged documentation in connection with such an application
21 commits a class "D" felony.

22 6. The sheriff shall approve or deny an initial or renewal
23 application submitted under this section within thirty days
24 of receipt of the application. A school employee whose
25 application for a permit under this section is denied may seek
26 review of the denial under section 724.21A. The failure to
27 approve or deny an initial or renewal application shall result
28 in a decision of approval.

29 7. a. An applicant under this section shall demonstrate
30 knowledge of firearm safety by completion of any handgun safety
31 training course available to the general public offered by a
32 law enforcement agency utilizing instructors certified by the
33 national rifle association or the department of public safety
34 or another state's department of public safety, state police
35 department, or similar certifying body. Such training may

LSB 1505YH (9) 85

-2-

rh/rj

2/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 172

1 include active shooter training.

2 **b.** Evidence of qualification under this section may be
3 documented by any of the following:

4 (1) A photocopy of a certificate of completion or any
5 similar document indicating completion of the handgun safety
6 training course identified in this subsection.

7 (2) An affidavit from the instructor that conducted or
8 taught the handgun safety training course identified in this
9 subsection attesting to the completion of the course by the
10 applicant.

11 8. A school employee shall not be charged a fee for the cost
12 of an initial, renewal, or duplicate permit issued pursuant
13 to this section or for the cost of training pursuant to this
14 section.

15 9. A school employee who has obtained a permit to carry
16 weapons pursuant to section 724.7 but who has not completed a
17 handgun safety training course pursuant to subsection 7 shall
18 be required to complete such a course, free of charge, prior to
19 being issued a school employee permit to carry weapons.

20 10. The department of public safety shall adopt rules
21 pursuant to chapter 17A as necessary to administer this
22 section.

23 Sec. 3. Section 724.21A, Code 2013, is amended to read as
24 follows:

25 **724.21A Denial, suspension, or revocation of permit to carry**
26 **weapons, school employee permit to carry weapons, or permit to**
27 **acquire pistols or revolvers.**

28 1. In any case where the sheriff or the commissioner of
29 public safety denies an application for or suspends or revokes
30 a permit to carry weapons, school employee permit to carry
31 weapons, or an annual permit to acquire pistols or revolvers,
32 the sheriff or commissioner shall provide a written statement
33 of the reasons for the denial, suspension, or revocation and
34 the applicant or permit holder shall have the right to appeal
35 the denial, suspension, or revocation to an administrative

LSB 1505YH (9) 85

-3-

rh/rj

3/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 172

1 law judge in the department of inspections and appeals
2 within thirty days of receiving written notice of the denial,
3 suspension, or revocation.

4 2. The applicant or permit holder may file an appeal with
5 an administrative law judge by filing a copy of the denial,
6 suspension, or revocation notice with a written statement that
7 clearly states the applicant's reasons rebutting the denial,
8 suspension, or revocation along with a fee of ten dollars.
9 Additional supporting information relevant to the proceedings
10 may also be included.

11 3. The administrative law judge shall, within forty-five
12 days of receipt of the request for an appeal, set a hearing
13 date. The hearing may be held by telephone or video conference
14 at the discretion of the administrative law judge. The
15 administrative law judge shall receive witness testimony and
16 other evidence relevant to the proceedings at the hearing. The
17 hearing shall be conducted pursuant to chapter 17A.

18 4. Upon conclusion of the hearing, the administrative law
19 judge shall order that the denial, suspension, or revocation
20 of the permit be either rescinded or sustained. An applicant,
21 permit holder, or issuing officer aggrieved by the final
22 judgment of the administrative law judge shall have the right
23 to judicial review in accordance with the terms of the Iowa
24 administrative procedure Act, chapter 17A.

25 5. The standard of review under this section shall be
26 clear and convincing evidence that the issuing officer's
27 written statement of the reasons for the denial, suspension, or
28 revocation constituted probable cause to deny an application or
29 to suspend or revoke a permit.

30 6. The department of inspections and appeals shall adopt
31 rules pursuant to chapter 17A as necessary to carry out the
32 provisions of this section.

33 7. In any case where the issuing officer denies an
34 application for, or suspends or revokes a permit to carry
35 weapons, a school employee permit to carry weapons, or an

LSB 1505YH (9) 85

-4-

rh/rj

4/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 172

1 annual permit to acquire pistols or revolvers solely because
2 of an adverse determination by the national instant criminal
3 background check system, the applicant or permit holder shall
4 not seek relief under this section but may pursue relief of the
5 national instant criminal background check system determination
6 pursuant to Pub. L. No. 103-159, sections 103(f) and (g) and
7 104 and 28 C.F.R. § 25.10, or other applicable law. The
8 outcome of such proceedings shall be binding on the issuing
9 officer.

10 Sec. 4. Section 724.23, Code 2013, is amended to read as
11 follows:

12 **724.23 Records kept by commissioner and issuing officers.**

13 1. The commissioner of public safety shall maintain a
14 permanent record of all valid permits to carry weapons and of
15 current permit revocations.

16 2. Notwithstanding any other law or rule to the contrary,
17 the commissioner of public safety and any issuing officer shall
18 keep confidential the names and addresses of holders of school
19 employee permits to carry weapons.

20 EXPLANATION

21 This bill relates to school employees and the carrying of
22 weapons.

23 Current law provides that a person who goes armed with,
24 carries, or transports a firearm of any kind, whether concealed
25 or not, on the grounds of a school (public or nonpublic)
26 commits a class "D" felony. The law does not apply under
27 certain conditions to a peace officer, a member of the armed
28 forces of the United States or of the national guard or
29 person in the service of the United States, or a correctional
30 officer, or a person who lawfully carries an unloaded pistol,
31 revolver, or other dangerous weapon inside a closed and
32 fastened container or securely wrapped package, a person who
33 lawfully carries or transports an unloaded pistol or revolver
34 in a vehicle inside a closed and fastened container or securely
35 wrapped package or inside a cargo or luggage compartment,

LSB 1505YH (9) 85

-5-

rh/rj

5/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 172

1 a law enforcement officer from another state under certain
2 conditions, or a person who has been specifically authorized
3 by the school to go armed, carry, or transport a firearm on
4 the school grounds, including for purposes of conducting an
5 instructional program regarding firearms.

6 The bill expands this list of exceptions to include a school
7 employee who possesses a school employee permit to carry
8 weapons as created in the bill.

9 The bill creates a new nonprofessional weapons permit for
10 school employees. A school employee who is not disqualified
11 under Code section 724.8, who satisfies a background check, and
12 who completes a handgun safety training course available to the
13 general public offered by a law enforcement agency shall be
14 issued a school employee permit to carry weapons which shall
15 authorize the holder to carry weapons on school grounds. Under
16 the bill, "school employee" means a person employed by a public
17 school, or a person employed by an area education agency who
18 provides service to a public school. "School grounds" include
19 school buildings, parking lots, athletic fields, playgrounds,
20 tennis courts, and any other indoor or outdoor area under the
21 control of a public school.

22 The application shall be made to the sheriff of the county in
23 which the school employee resides. The sheriff must conduct a
24 background check concerning the applicant.

25 School employee permits shall be issued on a form prescribed
26 and published by the commissioner of public safety, and shall
27 be readily distinguishable from the nonprofessional permit and
28 the professional permit, and shall identify the holder of the
29 permit. Such permits shall not be issued for a particular
30 weapon and shall not contain information about a particular
31 weapon including the make, model, or serial number of the
32 weapon or any ammunition used in that weapon. All permits so
33 issued shall be for a period of five years and shall be valid
34 throughout the state except where the possession or carrying of
35 a firearm is prohibited by state or federal law.

LSB 1505YH (9) 85

-6-

rh/rj

6/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 172

1 A school employee who makes what the school employee knows
2 to be a false statement of material fact on an application
3 submitted under the bill or who submits what the school
4 employee knows to be any materially falsified or forged
5 documentation in connection with such an application commits a
6 class "D" felony.

7 The sheriff is required to approve or deny an initial or
8 renewal school employee permit to carry weapons application
9 within 30 days of receipt of the application. A school
10 employee whose application for a permit is denied may seek
11 review of the denial under Code section 724.21A. The failure
12 to approve or deny an initial or renewal application shall
13 result in a decision of approval. The bill makes conforming
14 changes to Code section 724.21A.

15 A school employee shall not be charged a fee for the cost
16 of an initial, renewal, or duplicate permit or for the cost of
17 training under the bill.

18 A school employee who has obtained a nonprofessional permit
19 to carry weapons but who has not completed a handgun safety
20 training course available to the general public offered by a
21 law enforcement agency shall be required to complete such a
22 course, free of charge, prior to being issued a school employee
23 permit to carry weapons.

24 The bill requires the department of public safety to adopt
25 rules pursuant to Code chapter 17A as necessary to administer
26 the bill relating to school employee permits to carry.

27 Current law requires the commissioner of public safety
28 to maintain a permanent record of all valid permits to
29 carry weapons and of current permit revocations. This bill
30 provides that, notwithstanding any other law or rule to the
31 contrary, the commissioner of public safety and any issuing
32 officer (county sheriff) shall keep confidential the names
33 and addresses of holders of school employee permits to carry
34 weapons.

LSB 1505YH (9) 85
rh/rj

7/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

House File 173 - Introduced

HOUSE FILE 173

BY WINDSCHITL, ROGERS, KLEIN,
KOESTER, FRY, SCHULTZ,
HUSEMAN, FISHER, SHEETS,
LANDON, HANUSA, MAXWELL,
COSTELLO, SALMON, and
HAGENOW

A BILL FOR

1 An Act relating to medical abortions and providing penalties.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1541YH (7) 85
pf/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 173

1 Section 1. NEW SECTION. 146A.1 Medical abortions —
2 restrictions — in-person administration — penalties.
3 1. For the purpose of this section:
4 a. "Medical abortion" means the use of a medication
5 including but not limited to mifepristone or ulipristal acetate
6 to terminate a pregnancy.
7 b. "Physician" means a person licensed to practice medicine
8 and surgery or osteopathic medicine and surgery pursuant to
9 chapter 148.
10 2. a. Only a physician shall prescribe, dispense, or
11 administer any medication for the purpose of inducing a medical
12 abortion.
13 b. Any physician prescribing, dispensing, or administering
14 a medication for the purpose of inducing a medical abortion
15 shall also comply with all federal regulations relating to the
16 prescribing, dispensing, and administering of such medication.
17 c. A physician shall only administer a medication for
18 the purpose of inducing a medical abortion in person and in
19 a clinic or hospital with the capacity to provide surgical
20 intervention in cases resulting in an incomplete abortion or
21 severe bleeding.
22 3. A physician who knowingly performs a medical abortion in
23 violation of this section is guilty of a serious misdemeanor
24 and is subject to revocation of licensure pursuant to chapter
25 148.

26 EXPLANATION

27 This bill defines "medical abortion" as the use of a
28 medication including but not limited to mifepristone or
29 ulipristal acetate to terminate a pregnancy. The bill provides
30 that only a physician shall prescribe, dispense, or administer
31 any medication for the purpose of inducing a medical abortion.
32 Additionally, the bill requires that any physician prescribing,
33 dispensing, or administering a medication for the purpose of
34 inducing a medical abortion shall comply with all federal
35 regulations relating to such medication; and a physician shall

LSB 1541YH (7) 85

-1-

pf/rj

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 173

1 only administer a medication for the purpose of inducing a
2 medical abortion in person and in a clinic or hospital with the
3 capacity to provide surgical intervention in cases resulting in
4 an incomplete abortion or severe bleeding.

5 A physician who knowingly performs a medical abortion in
6 violation of the bill is guilty of a serious misdemeanor and
7 is subject to revocation of licensure pursuant to Code chapter
8 148. A serious misdemeanor is punishable by confinement for no
9 more than one year or a fine of at least \$315 but not more than
10 \$1,875, or by both.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

House File 174 - Introduced

HOUSE FILE 174
BY RUNNING-MARQUARDT

A BILL FOR

1 An Act relating to breast cancer screening and treatment under
2 the Medicaid program.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1517YH (2) 85
pf/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 174

1 Section 1. Section 249A.3, subsection 2, paragraph a,
2 subparagraph (2), subparagraph division (a), subparagraph
3 subdivision (iii), Code 2013, is amended to read as follows:
4 (iii) Have been screened for breast and cervical cancer
5 under the United States centers for disease control and
6 prevention breast and cervical cancer early detection program
7 established under 42 U.S.C. § 300k et seq., in accordance with
8 the requirements of 42 U.S.C. § 300n, and need treatment for
9 breast or cervical cancer. A woman is considered screened for
10 breast and cervical cancer under this subparagraph subdivision
11 if the woman is screened by any provider or entity, and the
12 state grantee of the United States centers for disease control
13 and prevention funds under Tit. XV of the federal Public Health
14 Services Act has elected to include screening activities by
15 that provider or entity as screening activities pursuant to
16 Tit. XV of the federal Public Health Services Act. This
17 screening includes but is not limited to breast or cervical
18 cancer screenings or related diagnostic services provided
19 by family planning or community health centers and breast
20 cancer screenings funded by ~~the Susan G. Komen foundation~~
21 nonprofit organizations which are provided to women who meet
22 the eligibility requirements established by the state grantee
23 of the United States centers for disease control and prevention
24 funds under Tit. XV of the federal Public Health Services Act.
25 Sec. 2. MEDICAID STATE PLAN AMENDMENT. The department of
26 human services shall submit a medical assistance state plan
27 amendment to the centers for Medicare and Medicaid services of
28 the United States department of health and human services to
29 provide for applicability of the federal Breast and Cervical
30 Cancer Prevention and Treatment Act of 2000, Pub. L. No.
31 106-354, to both men and women.

32 EXPLANATION

33 This bill relates to the federal Breast and Cervical Cancer
34 Prevention and Treatment Act of 2000 and its application to
35 Medicaid. The bill amends the reference in the Medicaid

LSB 1517YH (2) 85
pf/nh

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 174

1 eligibility provisions to the providers of breast cancer
2 screenings to provide that any nonprofit organization, not
3 only specifically the Susan G. Komen foundation, which funds
4 screenings provided to women who meet the federal requirements
5 may provide the screening for the program. The bill also
6 directs the department of human services to submit a medical
7 assistance state plan amendment to the centers for Medicare and
8 Medicaid services to provide for applicability of the federal
9 Breast and Cervical Cancer Prevention and Treatment Act of 2000
10 to both men and women. Currently, the Act's provisions are
11 applicable only to women.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

House File 175 - Introduced

HOUSE FILE 175
BY RUNNING-MARQUARDT

A BILL FOR

1 An Act relating to eligibility determinations for the state
2 child care assistance program.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1525YH (2) 85
ad/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 175

1 Section 1. Section 237A.13, subsection 8, Code 2013, is
2 amended to read as follows:

3 8. Nothing in this section shall be construed as or is
4 intended as, or shall imply, a grant of entitlement for
5 services to persons who are eligible for assistance due to
6 an income level or other eligibility circumstance addressed
7 in this section. Any state obligation to provide services
8 pursuant to this section is limited to the extent of the funds
9 appropriated for the purposes of state child care assistance.
10 The standard period for redetermining the eligibility of a
11 program participant is twelve months after the date of the
12 initial determination of eligibility and every twelve months
13 thereafter.

14 EXPLANATION

15 This bill relates to the eligibility determinations for
16 the state child care assistance program. The program is
17 administered by the department of human services to furnish
18 financial assistance for child care needs provided to children
19 in families with low income or other special needs. This bill
20 provides that the standard period for redetermining eligibility
21 of a program participant is 12 months from the date of the
22 eligibility determination and every 12 months thereafter.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

House File 176 - Introduced

HOUSE FILE 176
BY RUNNING-MARQUARDT

A BILL FOR

1 An Act requiring the department of workforce development
2 to assist counties in developing options to support the
3 employment-related needs of persons receiving mental health
4 and disability services through the county and regional
5 mental health and disability service system.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1516YH (2) 85
jp/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 176

1 Section 1. Section 84A.6, subsection 3, Code 2013, is
2 amended to read as follows:
3 3. a. The director of the department of workforce
4 development, in cooperation with the department of human rights
5 and the vocational rehabilitation services division of the
6 department of education, shall establish a program to provide
7 job placement and training to persons with disabilities.
8 b. The director of the department of workforce development,
9 in cooperation with the department of human services, shall
10 assist counties and county regions organized in accordance with
11 section 331.389 in developing service alternatives and funding
12 options for persons who receive or formerly received county
13 and regional mental health and disability services involving
14 sheltered workshop, day activity, work activity, or other
15 employment-related services.

16 EXPLANATION

17 This bill requires the department of workforce development,
18 in cooperation with the department of human services, to assist
19 counties in developing services alternatives and funding
20 options to support the employment-related needs of persons
21 receiving mental health and disability services through the
22 county and regional mental health and disability service
23 system.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

House File 177 - Introduced

HOUSE FILE 177

BY HANSON, GASKILL, HALL,
THEDE, WESSEL-KROESCHELL,
and KELLEY

A BILL FOR

1 An Act relating to the keeping of farm deer and preserve
2 whitetail and including penalties and applicability
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1249YH (10) 85
av/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 177

DIVISION I

FARM DEER

1
2
3 Section 1. Section 170.1, subsection 5, Code 2013, is
4 amended to read as follows:

5 5. ~~"Fence"~~ "Fencing" means a boundary perimeter fence and a
6 secondary fence which encloses farm deer within a landowner's
7 property as required to be constructed and maintained pursuant
8 to section 170.4.

9 Sec. 2. Section 170.2, subsection 2, paragraph b, Code 2013,
10 is amended to read as follows:

11 b. Advise the department about the administration and
12 enforcement of this chapter, including but not limited to
13 consulting with the department regarding the rules adopted
14 under this chapter, the registration of landowners, the
15 certification of ~~fences~~ fencing, and disciplinary actions.
16 However, the council shall not control policy decisions or
17 direct the administration or enforcement of this chapter.

18 Sec. 3. Section 170.3, subsection 1, Code 2013, is amended
19 to read as follows:

20 1. Farm deer are livestock as provided in this title and
21 are principally subject to regulation by the department of
22 agriculture and land stewardship, and also the department of
23 natural resources as specifically provided in this chapter.
24 The regulations adopted by the department of agriculture and
25 land stewardship ~~may~~ shall include but are not limited to
26 providing for the importation, transportation, and disease
27 control of farm deer and for fencing certification and
28 registration requirements under this chapter. The department
29 of natural resources shall not require that the landowner be
30 issued a license or permit for keeping farm deer or for the
31 construction of ~~a fence~~ fencing for keeping farm deer.

32 Sec. 4. Section 170.3A, Code 2013, is amended to read as
33 follows:

34 **170.3A Chronic wasting disease control program — testing.**

35 1. The department shall establish and administer a chronic

LSB 1249YH (10) 85

-1-

av/sc

1/12



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 177

1 wasting disease control program for the control of chronic
2 wasting disease which threatens farm deer. The program shall
3 include procedures for the inspection and testing of farm deer,
4 responses to reported cases of chronic wasting disease, and
5 methods to ensure that owners of farm deer may engage in the
6 movement and sale of farm deer.

7 2. Farm deer that die or are sent for slaughter shall
8 be tested for chronic wasting disease as set forth in rules
9 adopted by the department. The landowner who keeps such farm
10 deer shall pay the full cost of the testing.

11 Sec. 5. Section 170.3B, Code 2013, is amended to read as
12 follows:

13 170.3B ~~Farm deer administration~~ Registration and fee — proof
14 of financial responsibility.

15 1. ~~The department may establish a farm deer administration~~ A
16 landowner who keeps farm deer under this chapter shall annually
17 register with the department by June 30. A landowner shall not
18 be registered under this section unless the landowner meets the
19 applicable fencing certification and other requirements of this
20 chapter. If a landowner meets the applicable certification and
21 other requirements of this chapter, the landowner shall pay the
22 department a registration fee which shall be annually imposed
23 on each landowner who keeps farm deer in this state. The
24 amount of the fee shall ~~not exceed two hundred~~ be five thousand
25 dollars per year. The fee shall be collected by the department
26 in a manner specified by rules adopted by the department after
27 consulting with the farm deer council established in section
28 170.2. The collected fees shall be credited to the farm deer
29 administration fund created pursuant to section 170.3C.

30 2. a. An initial application for registration under
31 subsection 1 shall be accompanied by a surety or cash
32 performance bond in conformity with rules adopted by the
33 department, in the principal amount of a minimum of one hundred
34 thousand dollars. The bond shall be executed by a surety
35 company authorized to do business in this state, and the bond

LSB 1249YH (10) 85

-2-

av/sc

2/12



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 177

1 shall be continuous in nature until canceled by the surety with
2 not less than sixty days' written notice to both the landowner
3 and to the department. The notice shall indicate the surety's
4 intent to cancel the bond on a date at least sixty days after
5 the date of the notice.

6 b. The bond shall be payable to the state to indemnify the
7 state for any costs that may be incurred in the event that a
8 confirmed case of chronic wasting disease is found in farm deer
9 kept by the applicant who purchased the bond.

10 Sec. 6. Section 170.3C, subsection 1, Code 2013, is amended
11 to read as follows:

12 1. The fund shall be composed of moneys appropriated by
13 the general assembly and moneys available to and obtained or
14 accepted by the department from the United States or private
15 sources for placement in the fund. The fund shall include all
16 moneys collected from the farm deer ~~administration~~ registration
17 fee as provided in section 170.3B and penalties assessed
18 pursuant to section 170.8, subsection 2.

19 Sec. 7. Section 170.4, Code 2013, is amended to read as
20 follows:

21 **170.4 Requirements for keeping whitetail — fence fencing**
22 **certification.**

23 A landowner shall not keep whitetail as farm deer, unless the
24 whitetail is kept on land which is enclosed by a double fence,
25 which includes a perimeter fence around the enclosed area and
26 a secondary fence that is a minimum of thirty feet inside the
27 perimeter fence. The ~~fence~~ fences must be constructed and
28 maintained as prescribed by rules adopted by the department. A
29 landowner shall not keep the whitetail unless the ~~fence~~ fencing
30 is certified in a manner and according to procedures required
31 by the department. The ~~fence~~ fences shall be constructed and
32 maintained to ensure that whitetail are kept in the enclosure
33 and that other deer are excluded from the enclosure. ~~A fence~~
34 ~~that is constructed on or after May 23, 2003,~~ The fences shall
35 be at least ~~eight~~ ten feet in height above ground level. The

LSB 1249YH (10) 85

-3-

av/sc

3/12



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 177

1 department of agriculture and land stewardship ~~may~~ shall
2 require that the ~~fence is~~ fencing be inspected and approved
3 prior to certification. The department of natural resources
4 may periodically inspect the ~~fence~~ fencing according to
5 appointment with the enclosure's landowner.

6 Sec. 8. NEW SECTION. 170.4A Missing or escaped farm deer.

7 A landowner who keeps farm deer shall notify the department
8 within forty-eight hours of discovering that a farm deer has
9 escaped or is missing from enclosed land. A farm deer that
10 has escaped or is missing from enclosed land for more than ten
11 days shall be subject to the jurisdiction of the department of
12 natural resources.

13 Sec. 9. Section 170.5, subsection 1, paragraph a, Code 2013,
14 is amended to read as follows:

15 a. A statement verifying that the ~~fence which encloses~~
16 ~~the land is certified by~~ landowner is registered with the
17 department of agriculture and land stewardship pursuant to
18 section ~~170.4~~ 170.3B.

19 Sec. 10. Section 170.6, Code 2013, is amended to read as
20 follows:

21 **170.6 Disciplinary proceedings.**

22 1. The department of agriculture and land stewardship may
23 suspend or revoke a ~~certification~~ registration issued pursuant
24 to section ~~170.4~~ 170.3B if the department determines that a
25 landowner has done any of the following:

26 a. Provided false information to the department in an
27 application for ~~certification~~ registration pursuant to section
28 ~~170.4~~ 170.3B.

29 b. Failed to provide notice or access to the department of
30 natural resources and the department of agriculture and land
31 stewardship as required by section 170.5.

32 c. Failed to maintain a ~~fence~~ fencing enclosing the land
33 where a whitetail is kept as required in section 170.4.

34 d. ~~Forces or lures~~ Forced or lured a whitetail that is
35 property of the state onto the enclosed land.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 177

1 ~~e. Restrains or inhibits~~ Restrained or inhibited a whitetail
2 that is property of the state from leaving the enclosed land.

3 ~~f. Takes~~ Taken a whitetail that is property of the state
4 which is enclosed on the property in violation of a chapter in
5 Title XI, subtitle 6.

6 ~~g. Falsely claimed that a farm deer died or was sent for~~
7 ~~slaughter when the farm deer escaped or was otherwise sold.~~

8 ~~h. Failed to maintain proof of financial responsibility as~~
9 ~~required in section 170.3B.~~

10 2. If the department suspends a landowner's ~~certification~~
11 ~~registration~~, the landowner shall not release additional
12 whitetail onto the enclosed land, unless otherwise provided
13 in the department's order for suspension. If the department
14 revokes a landowner's ~~certification~~ registration under this
15 section, the landowner shall provide for the disposition of the
16 enclosed whitetail by any lawful means.

17 Sec. 11. Section 170.8, Code 2013, is amended to read as
18 follows:

19 **170.8 Penalties.**

20 1. A person is guilty of taking a whitetail in violation of
21 section 481A.48 if the whitetail is on the land enclosed by a
22 ~~fence~~ fencing required to be certified as provided in section
23 170.4 and the person does any of the following:

24 1- ~~a.~~ a. Forces or lures a whitetail that is property of the
25 state onto the enclosed land.

26 2- ~~b.~~ b. Restrains or inhibits a whitetail that is property of
27 the state from leaving the enclosed land.

28 3- ~~c.~~ c. Takes a whitetail that is property of the state that
29 is within the enclosure in violation of a chapter in Title XI,
30 subtitle 6.

31 2. A person who falsely claims that a farm deer died or
32 was sent for slaughter when the farm deer escaped or was
33 otherwise sold is subject to a civil penalty of five thousand
34 dollars. The civil penalty shall be deposited in the farm deer
35 administration fund created in section 170.3C.

LSB 1249YH (10) 85

-5-

av/sc

5/12



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 177

1 Sec. 12. APPLICABILITY.

2 1. The section of this Act amending section 170.4 applies to
3 fencing that is newly constructed on or after July 1, 2013.

4 2. The section of this Act amending section 170.4 is
5 applicable on or after July 1, 2014, to fences constructed
6 before July 1, 2013, and in existence on July 1, 2014.

7 DIVISION II
8 PRESERVE WHITETAIL

9 Sec. 13. Section 484C.1, subsection 5, Code 2013, is amended
10 to read as follows:

11 5. ~~"Fence"~~ "Fencing" means a boundary perimeter fence and
12 a secondary fence which encloses preserve whitetail within
13 a landowner's property as required to be constructed and
14 maintained pursuant to this chapter.

15 Sec. 14. Section 484C.5, subsection 1, unnumbered paragraph
16 1, Code 2013, is amended to read as follows:

17 A hunting preserve must include at least three hundred
18 twenty contiguous acres which are enclosed by ~~a fence~~ fencing
19 certified pursuant to section 484C.6. However, the hunting
20 preserve may include a fewer number of enclosed acres if any of
21 the following applies:

22 Sec. 15. Section 484C.6, Code 2013, is amended to read as
23 follows:

24 **484C.6 Fencing — certification Fencing certification —**
25 **identification of animals.**

26 1. a. ~~A fence~~ Fencing required to enclose preserve
27 whitetail under section 484C.5 must be constructed and
28 maintained as prescribed by rules adopted by the department
29 and as certified by the department. The ~~fence~~ fencing shall
30 be constructed and maintained to ensure that the preserve
31 whitetail are kept in the enclosure and all other whitetail are
32 excluded from the enclosure.

33 2. b. ~~A fence~~ Fencing that was certified by the department
34 of agriculture and land stewardship pursuant to chapter 170
35 prior to July 1, 2005, shall be certified by the department of



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 177

1 natural resources.

2 ~~3. c. A fence~~ A hunting preserve shall be enclosed by
3 a double fence, which includes a perimeter fence around the
4 enclosed area and a secondary fence that is a minimum of thirty
5 feet inside the perimeter fence. The fences shall be at least
6 eight ten feet in height above ground level. The enclosure
7 perimeter fence shall be posted with signs as prescribed by
8 rules adopted by the department.

9 ~~4. d.~~ The department may shall require that the fence
10 fencing be inspected and approved by the department prior to
11 certification. The department shall periodically inspect
12 the fence fencing at any reasonable time by appointment or
13 by providing the landowner with at least forty-eight hours'
14 notice.

15 2. Whitetail kept as preserve whitetail shall bear
16 identification that is one of the following:

17 a. An identification ear tag approved by the United States
18 department of agriculture that conforms to the alphanumeric
19 national uniform tagging system as defined in 9 C.F.R. ch. 1,
20 subch. c, pt. 71.1, revised as of July 21, 2006.

21 b. A plastic or other material tag that includes the
22 official herd number issued by the United States department
23 of agriculture, and includes individual animal identification
24 which is no more than five digits and is unique for each
25 animal.

26 c. A legible tattoo, that includes the official herd number
27 issued by the United States department of agriculture, and
28 includes individual animal identification which is no more than
29 five digits and is unique for each animal.

30 d. A plastic or other material tag that provides unique
31 animal identification and is issued and approved by the North
32 American deer farmers association.

33 3. Preserve whitetail previously kept as farm deer
34 that are released on a hunting preserve shall maintain the
35 identification affixed on the whitetail pursuant to chapter 170

LSB 1249YH (10) 85

-7-

av/sc

7/12



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 177

1 and rules adopted to implement that chapter.

2 Sec. 16. Section 484C.7, Code 2013, is amended to read as
3 follows:

4 **484C.7 Registration and fee — proof of financial**
5 **responsibility.**

6 1. A landowner who keeps preserve whitetail shall annually
7 register the landowner's hunting preserve with the department
8 by June 30. The A landowner shall not be registered under
9 this section unless the landowner meets the applicable fencing
10 certification and other requirements of this chapter. If a
11 landowner meets the applicable fencing certification and other
12 requirements of this chapter, the landowner shall pay the
13 department a registration fee. The amount of the registration
14 fee shall not exceed three hundred fifty be five thousand
15 dollars per fiscal year. The fee shall be deposited into the
16 state fish and game protection fund.

17 2. a. An initial application for registration under
18 subsection 1 shall be accompanied by a surety or cash
19 performance bond in conformity with rules adopted by the
20 department, in the principal amount of a minimum of one hundred
21 thousand dollars. The bond shall be executed by a surety
22 company authorized to do business in this state, and the bond
23 shall be continuous in nature until canceled by the surety with
24 not less than sixty days' written notice to both the landowner
25 and to the department. The notice shall indicate the surety's
26 intent to cancel the bond on a date at least sixty days after
27 the date of the notice.

28 b. The bond shall be payable to the state to indemnify the
29 state for any costs that may be incurred in the event that a
30 confirmed case of chronic wasting disease is found in preserve
31 whitetail kept by the applicant who purchased the bond.

32 Sec. 17. Section 484C.8, subsection 1, paragraphs a and c,
33 Code 2013, are amended to read as follows:

34 a. A statement verifying that the fence which encloses the
35 land landowner is certified by registered with the department

LSB 1249YH (10) 85

-8-

av/sc

8/12



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 177

1 pursuant to section ~~484C.6~~ 484C.7.
2 c. The location of the land enclosed by the ~~fence~~ fencing.
3 Sec. 18. Section 484C.12, Code 2013, is amended by adding
4 the following new subsection:
5 NEW SUBSECTION. 3. Preserve whitetail that die or are
6 taken by persons on the hunting preserve shall be tested for
7 chronic wasting disease as set forth in rules adopted by the
8 department. The landowner or the person taking the preserve
9 whitetail shall pay the full cost of the testing.
10 Sec. 19. Section 484C.13, subsection 3, unnumbered
11 paragraph 1, Code 2013, is amended to read as follows:
12 The department may suspend or revoke a ~~fence certification~~
13 registration issued pursuant to section ~~484C.6~~ 484C.7 if the
14 department determines that a landowner has done any of the
15 following:
16 Sec. 20. Section 484C.13, subsection 3, paragraph d, Code
17 2013, is amended to read as follows:
18 d. Failed to maintain a ~~fence~~ fencing enclosing the land
19 where preserve whitetail are kept as required by this chapter.
20 The department shall not suspend or revoke a ~~certification~~
21 registration if the landowner remedies each item as provided
22 in a notice of deficiency delivered to the landowner by the
23 department. The remedies shall be completed within seven days
24 from receipt of the notice. The notice shall be hand delivered
25 or sent by certified mail.
26 Sec. 21. Section 484C.13, subsection 3, Code 2013, is
27 amended by adding the following new paragraph:
28 NEW PARAGRAPH. e. Failed to maintain proof of financial
29 responsibility as required in section 484C.7.
30 Sec. 22. Section 484C.13, Code 2013, is amended by adding
31 the following new subsection:
32 NEW SUBSECTION. 4. A person who removes identification
33 required in section 484C.6 from a preserve whitetail, prior to
34 the taking of the whitetail, is subject to a civil penalty of
35 five hundred dollars.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 177

1 Sec. 23. APPLICABILITY.

2 1. The section of this Act amending section 484C.6,
3 subsection 1, applies to fencing that is newly constructed on
4 or after July 1, 2013.

5 2. The section of this Act amending section 484C.6,
6 subsection 1, is applicable on or after July 1, 2014, to fences
7 constructed before July 1, 2013, and in existence on July 1,
8 2014.

9 EXPLANATION

10 This bill relates to the keeping of farm deer and preserve
11 whitetail and includes penalties and applicability provisions.

12 DIVISION I. Division I of the bill relates to regulation
13 of the keeping of farm deer, which is principally under the
14 purview of the department of agriculture and land stewardship
15 (DALS). DALS is required to adopt rules providing for the
16 importation, transportation, and disease control of farm deer
17 and for fencing certification and registration requirements
18 under the Code chapter.

19 Farm deer that die or are sent for slaughter must be tested
20 for chronic wasting disease pursuant to rules adopted by DALS,
21 and the landowner must pay the full cost of the testing.

22 A landowner who keeps farm deer must register with DALS by
23 June 30 each year. In order to register, the landowner must
24 meet the fencing certification requirements, show proof of
25 financial responsibility via a surety or cash performance bond,
26 and pay a registration fee of \$5,000 per year. The surety or
27 cash performance bond must be in a minimum amount of \$100,000,
28 payable to indemnify the state in the event that a confirmed
29 case of chronic wasting disease is found in farm deer kept by
30 the landowner. Registration fees are placed in the farm deer
31 administration fund and appropriated to DALS for the purpose of
32 administering the chronic wasting disease control program.

33 The bill requires that fencing enclosing land on which
34 whitetail are kept as farm deer must include a perimeter
35 fence around the enclosed area and a secondary fence that is

LSB 1249YH (10) 85

-10-

av/sc

10/12



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 177

1 a minimum of 30 feet inside the perimeter fence, must be 10
2 feet tall instead of eight feet tall, and must be inspected
3 and approved prior to certification of the fencing. The
4 new requirements are applicable to fencing that is newly
5 constructed on or after July 1, 2013, when the bill takes
6 effect, and are applicable on or after July 1, 2014, to fences
7 existing before July 1, 2013.

8 A landowner who keeps farm deer shall notify DALS within 48
9 hours of discovering that a farm deer has escaped or is missing
10 from enclosed land. A farm deer that has escaped or is missing
11 for more than 10 days is subject to the jurisdiction of the
12 department of natural resources.

13 A landowner's registration may be suspended or revoked for
14 failure to maintain proof of financial responsibility, or
15 for falsely claiming that a farm deer died or was sent for
16 slaughter when the farm deer escaped or was otherwise sold. A
17 person who makes such a false claim is also subject to a civil
18 penalty of \$5,000, which will be deposited in the farm deer
19 administration fund.

20 DIVISION II. Division II of the bill relates to regulation
21 of the keeping of preserve whitetail on a hunting preserve,
22 which is principally under the purview of the department of
23 natural resources (department).

24 The bill requires that a landowner cannot keep whitetail on
25 a hunting preserve unless the preserve is enclosed by double
26 fencing that includes a perimeter fence around the enclosed
27 area and a secondary fence that is a minimum of 30 feet inside
28 the perimeter fence. The fence must be at least 10 feet in
29 height. The fencing requirements are applicable to fences
30 that are newly constructed on or after July 1, 2013, when the
31 bill takes effect, and is applicable on or after July 1, 2014,
32 to fences existing before July 1, 2013. The department must
33 inspect and approve the fencing prior to certification.

34 Whitetail kept on a hunting preserve must also bear an
35 ear tag, tattoo, or other identification as specified in

LSB 1249YH (10) 85

-11-

av/sc

11/12



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 177

1 the bill. Preserve whitetail previously kept as farm deer
2 that are released on a hunting preserve shall maintain the
3 identification affixed on them pursuant to the requirements
4 applicable to farm deer under Code chapter 170 and rules
5 adopted to implement that Code chapter.

6 A landowner who keeps whitetail on a hunting preserve must
7 register each year and pay the registration fee of \$5,000. A
8 landowner cannot be registered unless the landowner meets the
9 applicable fencing certification and other requirements of Code
10 chapter 484C. The initial application for registration must
11 include proof of financial responsibility via a surety or cash
12 performance bond. The surety or cash performance bond must be
13 in a minimum amount of \$100,000, payable to indemnify the state
14 in the event that a confirmed case of chronic wasting disease
15 is found in preserve whitetail kept by the landowner.

16 Preserve whitetail that die or are taken by persons hunting
17 on the hunting preserve shall be tested for chronic wasting
18 disease as set forth in rules adopted by the department. The
19 landowner or the hunter taking the preserve whitetail shall pay
20 the full cost of the testing.

21 A person who removes the required identification from a
22 preserve whitetail, prior to the taking of the whitetail, is
23 subject to a civil penalty of \$500.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

House File 178 - Introduced

HOUSE FILE 178

BY ALONS, SHEETS, HEARTSILL,
GASSMAN, SHAW, WATTS,
SCHULTZ, HIGHFILL,
FORRISTALL, BRANDENBURG,
DRAKE, and SALMON

A BILL FOR

1 An Act declaring the federal Patient Protection and Affordable
2 Care Act invalid, null and void, and of no effect in this
3 state, providing penalties, and including effective date
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1318YH (3) 85
av/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 178

1 Section 1. LEGISLATIVE FINDINGS. The general assembly of
2 the state of Iowa finds that:

3 1. The people of the several states comprising the United
4 States of America created the federal government to be their
5 agent for certain enumerated purposes, and nothing more.

6 2. The Tenth Amendment to the Constitution of the United
7 States defines the total scope of federal powers as being that
8 which has been delegated by the people of the several states
9 to the federal government, and all powers not delegated to the
10 federal government in the Constitution of the United States
11 are reserved to the states respectively, or to the people
12 themselves.

13 3. The assumption of power that the federal government has
14 made by enacting the federal Patient Protection and Affordable
15 Care Act interferes with the right of the people of the state
16 of Iowa to regulate health care as they see fit, and makes a
17 mockery of James Madison's assurance in Federalist Number 45
18 that the powers delegated to the federal government are few and
19 defined, while those of the states are numerous and indefinite.

20 Sec. 2. NEW SECTION. 1.19 Nullification of federal patient
21 protection and affordable care Act — penalties.

22 1. The general assembly of the state of Iowa declares that
23 the federal law known as the Patient Protection and Affordable
24 Care Act, signed by President Barack Obama on March 23, 2010,
25 is not authorized by the Constitution of the United States and
26 violates its true meaning and intent as given by the founders
27 and ratifiers of the Constitution of the United States, and
28 is hereby declared to be invalid in this state, shall not be
29 recognized by this state, is specifically rejected by this
30 state, and shall be considered null and void and of no effect
31 in this state.

32 2. It shall be the duty of the general assembly of this
33 state to adopt and enact any and all measures as may be
34 necessary to prevent the enforcement of the federal Patient
35 Protection and Affordable Care Act within the limits of this

LSB 1318YH (3) 85

-1-

av/rj

1/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 178

1 state.

2 3. An official, agent, or employee of the United States
3 government or an employee of a corporation providing services
4 to the United States government that enforces or attempts to
5 enforce an act, order, law, statute, rule, or regulation of the
6 United States government in violation of this section shall be
7 guilty of a class "D" felony.

8 4. A public officer or employee of this state that enforces
9 or attempts to enforce an act, order, law, statute, rule, or
10 regulation of the United States government in violation of this
11 section shall be guilty of an aggravated misdemeanor.

12 5. Any aggrieved party shall also have a private action
13 against any person violating the provisions of subsection 3 or
14 4.

15 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
16 immediate importance, takes effect upon enactment.

17 EXPLANATION

18 This bill makes legislative findings that the enactment
19 of the federal Patient Protection and Affordable Care Act
20 violates the Tenth Amendment of the United States Constitution
21 by interfering with the rights of the people and the state of
22 Iowa to regulate health care. New Code section 1.19 rejects
23 the federal Act, prohibits recognition of the federal Act, and
24 declares that the federal Act is invalid, null and void, and of
25 no effect in this state.

26 New Code section 1.19 also provides that an official, agent,
27 or employee of the United States government or an employee of a
28 corporation providing services to the United States government
29 who enforces or attempts to enforce a federal act, order,
30 statute, rule, or regulation in violation of this bill is
31 guilty of a class "D" felony. A class "D" felony is punishable
32 by confinement for no more than five years and a fine of at
33 least \$750 but not more than \$7,500.

34 The bill further provides that a public officer or employee
35 of Iowa that enforces or attempts to enforce a federal act,

LSB 1318YH (3) 85

-2-

av/rj

2/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 178

1 order, statute, rule, or regulation in violation of this
2 bill is guilty of an aggravated misdemeanor. An aggravated
3 misdemeanor is punishable by confinement for no more than two
4 years and a fine of at least \$625 but not more than \$6,250.
5 The bill also gives an aggrieved party a private action
6 against a federal or state official, agent, or employee who
7 enforces or attempts to enforce the federal Patient Protection
8 and Affordable Care Act.
9 The bill is effective upon enactment.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

House File 179 - Introduced

HOUSE FILE 179

BY HALL, JORGENSEN, M.
SMITH, HANUSA, COHOON,
KEARNS, DAWSON, THOMAS,
ABDUL-SAMAD, MCCARTHY,
HANSON, BERRY, R. OLSON,
GASKILL, RUNNING-MARQUARDT,
BEARINGER, ANDERSON,
T. TAYLOR, HUNTER,
KAJTAZOVIC, WOLFE, WOOD,
MUHLBAUER, FORBES, RIDING,
OLDSON, T. OLSON, PRICHARD,
LYKAM, KRESSIG, RUFF,
OURTH, DUNKEL, THEDE,
KELLEY, and GAINES

A BILL FOR

1 An Act relating to school district funding from the taxpayers
2 trust fund by making transfers to the property tax equity
3 and relief fund, establishing a school district property
4 tax replacement fund and making transfers to the fund,
5 making appropriations, and including effective date and
6 applicability provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1693YH (18) 85
md/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 179

1 Section 1. Section 8.57E, subsection 2, Code 2013, is
2 amended to read as follows:

3 2. Moneys in the taxpayers trust fund shall only be used
4 pursuant to appropriations or transfers made by the general
5 assembly for tax relief.

6 Sec. 2. Section 257.2, subsection 9, Code 2013, is amended
7 by adding the following new paragraph:

8 NEW PARAGRAPH. *d.* Property tax replacement payments
9 received under section 257.16B.

10 Sec. 3. Section 257.4, subsection 1, paragraph a, Code 2013,
11 is amended by adding the following new subparagraph:

12 NEW SUBPARAGRAPH. (8) The amount of the school district
13 property tax replacement payment received by the school
14 district under section 257.16B.

15 Sec. 4. Section 257.4, subsection 1, paragraph b, Code 2013,
16 is amended to read as follows:

17 *b.* For the budget year beginning July 1, 2008, and
18 succeeding budget years, the department of management shall
19 annually determine an adjusted additional property tax levy and
20 a statewide maximum adjusted additional property tax levy rate,
21 not to exceed the statewide average additional property tax
22 levy rate, calculated by dividing the total adjusted additional
23 property tax levy dollars statewide by the statewide total
24 net taxable valuation. For purposes of this paragraph, the
25 adjusted additional property tax levy shall be that portion of
26 the additional property tax levy corresponding to the state
27 cost per pupil multiplied by a school district's weighted
28 enrollment, ~~and~~ then multiplied by one hundred percent less
29 the regular program foundation base per pupil percentage
30 pursuant to section 257.1, and then reduced by the amount of
31 property tax replacement received under section 257.16B. The
32 district shall receive adjusted additional property tax levy
33 aid in an amount equal to the difference between the adjusted
34 additional property tax levy rate and the statewide maximum
35 adjusted additional property tax levy rate, as applied per



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 179

1 thousand dollars of assessed valuation on all taxable property
2 in the district. ~~The statewide maximum adjusted additional~~
3 ~~property tax levy rate shall be annually determined by the~~
4 ~~department taking into account amounts allocated pursuant to~~
5 ~~section 257.15, subsection 4.~~ The statewide maximum adjusted
6 additional property tax levy rate shall be annually determined
7 by the department taking into account amounts allocated
8 pursuant to section 257.15, subsection 4, and the balance of
9 the property tax equity and relief fund created in section
10 257.16A at the end of the calendar year.

11 Sec. 5. Section 257.15, subsection 4, paragraph b, Code
12 2013, is amended to read as follows:

13 b. After lowering all school district adjusted additional
14 property tax levy rates to the statewide maximum adjusted
15 additional property tax levy rate under paragraph "a", the
16 department of management shall use any remaining funds at the
17 end of the calendar year to further lower additional property
18 taxes by increasing for the budget year beginning the following
19 July 1, the state foundation base percentage. Moneys used
20 pursuant to this paragraph shall supplant an equal amount of
21 the appropriation made from the general fund of the state
22 pursuant to section 257.16 that represents the increase in
23 state foundation aid.

24 Sec. 6. Section 257.16A, Code 2013, is amended by adding the
25 following new subsection:

26 NEW SUBSECTION. 1A. For each fiscal year beginning on or
27 after July 1, 2013, and after the transfer in section 257.16B,
28 there is transferred from the taxpayers trust fund created in
29 section 8.57E to the fund an amount necessary to lower all
30 school district adjusted additional property tax levy rates to
31 the statewide maximum adjusted additional property tax levy
32 rate pursuant to section 257.15, subsection 4, after taking
33 into account amounts allocated pursuant to section 257.15,
34 subsection 4, and amounts deposited in the fund under section
35 423F.2, subsection 3.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 179

1 Sec. 7. NEW SECTION. 257.16B School district property tax
2 replacement fund — payments.

3 1. a. A school district property tax replacement fund
4 is created in the state treasury under the authority of the
5 department of management. For each fiscal year beginning on
6 or after July 1, 2013, there is transferred from the taxpayers
7 trust fund created in section 8.57E to the fund an amount
8 necessary to make all school district property tax replacement
9 payments under this section.

10 b. There is appropriated annually all moneys in the fund
11 to the department of management for purposes of providing
12 replacement payments to school districts pursuant to this
13 section.

14 2. For each budget year beginning on or after July 1,
15 2013, the amount of money in the school district property tax
16 replacement fund shall be used to provide school district
17 replacement payments to each school district in the state as
18 calculated in subsection 3, paragraph "c", and subsection 4, if
19 applicable.

20 3. For each budget year beginning on or after July 1, 2013,
21 the department of management shall calculate for each school
22 district all of the following:

23 a. The state cost per pupil for the budget year beginning
24 July 1, 2012, multiplied by one hundred percent less the
25 regular program foundation base per pupil percentage pursuant
26 to section 257.1.

27 b. The state cost per pupil for the budget year beginning
28 July 1, 2013, multiplied by one hundred percent less the
29 regular program foundation base per pupil percentage pursuant
30 to section 257.1.

31 c. The amount of each school district's property tax
32 replacement payment. Each school district's property tax
33 replacement payment equals the school district's weighted
34 enrollment for the budget year multiplied by the remainder of
35 the amount calculated for the school district under paragraph

LSB 1693YH (18) 85

-3-

md/sc

3/6



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 179

1 "b" minus the amount calculated for the school district under
2 paragraph "a".

3 4. If an amount appropriated for a fiscal year is
4 insufficient to pay all school district replacement payments
5 for the budget year, the director of the department of
6 management shall prorate the payments from the fund and shall
7 notify the county auditors of the pro rata percentage on or
8 before July 31.

9 5. Notwithstanding section 12C.7, subsection 2, interest or
10 earnings on moneys deposited in the fund shall be credited to
11 the fund. Moneys in the fund are not subject to the provisions
12 of section 8.33 and shall not be transferred, used, obligated,
13 appropriated, or otherwise encumbered except as provided in
14 this section.

15 Sec. 8. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
16 immediate importance, takes effect upon enactment.

17 Sec. 9. APPLICABILITY. This Act applies to school budget
18 years beginning on or after July 1, 2013.

19 EXPLANATION

20 This bill relates to school district funding by making
21 certain transfers and appropriations and by providing for
22 school district property tax replacement payments.

23 For each fiscal year beginning on or after July 1, 2013, the
24 bill transfers from the taxpayers trust fund created in Code
25 section 8.57E an amount necessary to lower all school district
26 adjusted additional property tax levy rates to the statewide
27 maximum adjusted additional property tax levy rate as provided
28 for in Code section 257.15(4)(a), after taking into account
29 amounts currently allocated for that purpose pursuant to Code
30 section 257.15, subsection 4, and amounts deposited in the fund
31 from the secure an advanced vision for education fund under
32 Code section 423F.2, subsection 3. The bill also modifies the
33 method of calculating a school district's adjusted additional
34 property tax levy under Code section 257.4 to reflect property
35 tax replacement payments received by the school district for

LSB 1693YH (18) 85

-4-

md/sc

4/6



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 179

1 the same budget year pursuant to new Code section 257.16B.
2 The bill establishes a school district property tax
3 replacement fund under the authority of the department of
4 management. For each fiscal year beginning on or after July
5 1, 2013, and before the transfer of moneys to the property tax
6 equity and relief fund, the bill transfers from the taxpayers
7 trust fund under Code section 8.57E to the school district
8 property tax replacement fund an amount necessary to make all
9 school district property tax replacement payments under new
10 Code section 257.16B. The bill appropriates the moneys in the
11 replacement fund to the department of management for that
12 purpose.

13 Under the bill, for each budget year beginning on or after
14 July 1, 2013, each school district's property tax replacement
15 payment amount is equal to the school district's weighted
16 enrollment for the budget year multiplied by the difference of
17 the following: (1) the state cost per pupil for the budget
18 year beginning July 1, 2013, multiplied by 100 percent less the
19 regular program foundation base per pupil percentage pursuant
20 to Code section 257.1; and (2) the state cost per pupil for the
21 budget year beginning July 1, 2012, multiplied by 100 percent
22 less the regular program foundation base per pupil percentage
23 pursuant to Code section 257.1.

24 The bill provides that if an amount appropriated for a fiscal
25 year is insufficient to pay all school district replacement
26 payments for the budget year, the director of the department of
27 management shall prorate the payments from the fund.

28 The bill amends Code section 8.57E to allow transfers by the
29 general assembly from the taxpayers trust fund for tax relief
30 in addition to appropriations which are already allowed under
31 Iowa law.

32 The bill modifies the definition of miscellaneous income
33 under Code chapter 257 to exclude property tax replacement
34 payments received by a school district under new Code
35 section 257.16B. The bill also modifies the calculation for

LSB 1693YH (18) 85
md/sc

-5-

5/6



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. 179

1 determining the amount of a school district's additional
2 property tax levy to reflect property tax replacement payment
3 amounts received under new Code section 257.16B.
4 The bill takes effect upon enactment. The bill applies to
5 school budget years beginning on or after July 1, 2013.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

House Study Bill 110 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
HUMAN SERVICES BILL)

A BILL FOR

1 An Act relating to Medicaid program integrity, and providing
2 penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 Section 1. Section 10A.108, subsections 6 and 7, Code 2013,
2 are amended to read as follows:

3 6. The department shall pay, from moneys appropriated to
4 the department for this purpose, recording fees as provided
5 in section 331.604, for the recording of the lien, ~~or for~~
6 ~~satisfaction of the lien.~~

7 7. Upon payment of a debt for which the director has filed
8 notice with a county recorder, the director shall ~~file a~~
9 provide to the debtor a satisfaction of the debt. The debtor
10 shall be responsible for filing the satisfaction of the debt
11 with the recorder and the recorder shall enter the satisfaction
12 on the notice on file in the recorder's office.

13 Sec. 2. Section 249A.2, Code 2013, is amended by adding the
14 following new subsection:

15 NEW SUBSECTION. 8A. "Overpayment" means any funds that
16 a provider receives or retains under the medical assistance
17 program to which the person, after applicable reconciliation,
18 is not entitled. For purposes of repayment, an overpayment may
19 include interest in accordance with section 249A.41.

20 Sec. 3. NEW SECTION. 249A.39 **Reporting of overpayment.**

21 1. A provider who has received an overpayment shall notify
22 in writing, and return the overpayment to, the department,
23 the department's agent, or the department's contractor, as
24 appropriate. The notification shall include the reason for the
25 return of the overpayment.

26 2. Notification and return of an overpayment under this
27 section shall be provided by no later than the earlier of
28 either of the following, as applicable:

29 a. The date which is sixty days after the date on which the
30 overpayment was identified by the provider.

31 b. The date any corresponding cost report is due.

32 3. A violation of this section is a violation of chapter
33 685.

34 Sec. 4. NEW SECTION. 249A.40 **Dissolved providers —**
35 **overpayments or incorrect payments.**

LSB 1263XD (9) 85

-1-

pf/nh

1/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 Medical assistance paid to a provider following
2 administrative dissolution of the provider pursuant to chapter
3 490, division XIV, part B, shall be considered incorrectly paid
4 for the purposes of section 249A.5 and the provider shall be
5 considered to have received an overpayment for the purposes
6 of this subchapter. Notwithstanding section 490.1422, or any
7 other similar retroactive provision for reinstatement, the
8 director shall recoup any medical assistance paid to a provider
9 while the provider was dissolved. The principals of the
10 provider shall be personally liable for the incorrect payment
11 or overpayment.

12 Sec. 5. NEW SECTION. **249A.41 Overpayment — interest.**

13 1. Interest may be collected upon any overpayment
14 determined to have been made and shall accrue at the rate and
15 in the manner specified in this section.

16 2. Prior to the provision of a notice of overpayment to the
17 provider pursuant to section 249A.30, interest shall accrue at
18 the statutory rate for prejudgment interest applicable in civil
19 actions.

20 3. After the provision of a notice of overpayment to the
21 provider, interest shall accrue at the statutory rate for
22 prejudgment interest applicable in civil actions plus five
23 percent per annum, or the maximum legal rate, whichever is
24 lower.

25 4. At the discretion of the director, interest on an
26 overpayment may be waived in whole or in part when the
27 department determines the imposition of interest would produce
28 an unjust result, would unduly burden the provider, or would
29 substantially delay the prompt and efficient resolution of an
30 outstanding audit or investigation.

31 Sec. 6. NEW SECTION. **249A.42 Overpayment — limitations**
32 **periods.**

33 1. An administrative action to recover an overpayment to a
34 provider shall be commenced within ten years of the date the
35 overpayment was incurred.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 2. An administrative action to impose a sanction related
2 to an overpayment to a provider shall be commenced within
3 five years of the date the conduct underlying the sanction
4 concluded, or the director discovered such conduct, whichever
5 is later.

6 Sec. 7. NEW SECTION. **249A.43 Provider overpayment — notice**
7 **— judgment.**

8 1. Any overpayment to a provider under this chapter shall
9 become a judgment against the provider, by operation of law,
10 ninety days after the notice of overpayment is personally
11 served upon the enrolled provider as required in the Iowa
12 rules of civil procedure or by certified mail, return receipt
13 requested, by the director or the attorney general. The
14 judgment is entitled to full faith and credit in all states.

15 2. The notice of overpayment shall include the amount and
16 cause of the overpayment, the provider's appeal rights, and a
17 disclaimer that a judgment may be established if an appeal is
18 not timely filed or if an appeal is filed and at the conclusion
19 of the administrative process under chapter 17A a determination
20 is made that there is an overpayment.

21 3. An affidavit of service of a notice of entry of judgment
22 shall be made by first class mail at the address where the
23 debtor was served with the notice of overpayment. Service is
24 completed upon mailing as specified in this paragraph.

25 4. On or after the date an unpaid overpayment becomes a
26 judgment by operation of law, the director or the attorney
27 general may file all of the following with the district court:

28 a. A statement identifying, or a copy of, the notice of
29 overpayment.

30 b. Proof of service of the notice of overpayment.

31 c. An affidavit of default, stating the full name,
32 occupation, place of residence, and last known post office
33 address of the debtor; the name and post office address of the
34 department; the date or dates the overpayment was incurred;
35 the program under which the debtor was overpaid; and the total

LSB 1263XD (9) 85

-3-

pf/nh

3/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 amount of the judgment.

2 5. Nothing in this section shall be construed to impede or
3 restrict alternative methods of recovery of the overpayments
4 specified in this section or of overpayments which do not meet
5 the requirements of this section.

6 Sec. 8. NEW SECTION. **249A.44 Overpayment — emergency**
7 **relief.**

8 1. Concurrently with a withholding of payment, the
9 imposition of a sanction, or the institution of a criminal,
10 civil, or administrative proceeding against a provider or
11 other person for overpayment, the director or the attorney
12 general may bring an action for a temporary restraining order
13 or injunctive relief to prevent a provider or other person
14 from whom recovery may be sought, from transferring property
15 or otherwise taking action to protect the provider's or other
16 person's business inconsistent with the recovery sought.

17 2. To obtain such relief, the director or the attorney
18 general shall demonstrate all necessary requirements for the
19 relief to be granted.

20 3. If an injunction is granted, the court may appoint a
21 receiver to protect the property and business of the provider
22 or other person from whom recovery may be sought. The court
23 shall assess the costs of the receiver to the provider or other
24 person.

25 4. The director or the attorney general may file a lis
26 pendens on the property of the provider or other person
27 during the pendency of a criminal, civil, or administrative
28 proceeding.

29 5. When requested by the court, the director, or the
30 attorney general, a provider or other person from whom recovery
31 may be sought shall have an affirmative duty to fully disclose
32 all property and liabilities to the requester.

33 6. An action brought under this section may be brought in
34 the district court for Polk county or any other county in which
35 a provider or other person from whom recovery may be sought has

LSB 1263XD (9) 85

-4-

pf/nh

4/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 its principal place of business or is domiciled.

2 Sec. 9. NEW SECTION. 249A.45 Provider's third-party
3 submissions.

4 1. The department may refuse to accept a financial and
5 statistical report, cost report, or any other submission
6 from any third party acting under a provider's authority or
7 direction to prepare or submit such documents or information,
8 for good cause shown. For the purposes of this section,
9 "good cause", includes but is not limited to a pattern or
10 practice of submitting unallowable costs on cost reports;
11 making a false statement or certification to the director or
12 any representative of the department; professional negligence
13 or other demonstrated lack of knowledge of the cost reporting
14 process; conviction under a federal or state law relating to
15 the operation of a publicly funded program; or submission of a
16 false claim under chapter 685.

17 2. If the department refuses to accept a cost report
18 from a third party for good cause under this section, the
19 third party shall be strictly liable to the provider for all
20 fees incurred in preparation of the cost report, as well as
21 reasonable attorney fees and costs. The department shall not
22 take any adverse action against a provider that results from
23 the unintentional delay in the submission of a new cost report
24 or other submission necessitated by the department's refusal to
25 accept a cost report or other submission under this section.

26 Sec. 10. NEW SECTION. 249A.46 Liability of other persons
27 — repayment of claims.

28 1. The department may require repayment of medical
29 assistance paid from the person submitting an incorrect or
30 improper claim, the person causing the claim to be submitted,
31 or the person receiving payment for the claim.

32 2. The department may require repayment of medical
33 assistance paid for inappropriate, improper, unnecessary,
34 or excessive care, services, or supplies from the person
35 furnishing the care, services, or supplies; the person

LSB 1263XD (9) 85
pf/nh

5/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 under whose supervision the care, services, or supplies
2 were furnished; or the person causing the care, services, or
3 supplies to be furnished. In such an instance, the department
4 may recover the amount paid for such care, services, or
5 supplies from the person ordering or prescribing the care,
6 services, or supplies, even though payment was made to another
7 person. Medical care, services, or supplies ordered or
8 prescribed shall be considered excessive or not medically
9 necessary unless the medical basis and specific need for the
10 care, services, or supplies are fully and properly documented
11 in the client's medical record.

12 3. Any person furnishing, or supervising the furnishing of,
13 medical care, services, or supplies is jointly and severally
14 liable for any overpayments resulting from the furnishing of
15 the care, services, or supplies. The amount of repayment
16 which may be recovered from any person under this section is
17 the amount paid for furnishing the medical care, services, or
18 supplies, plus the amount paid to any other person as a result
19 of the person's ordering or prescribing medical care, services,
20 or supplies, less any amount actually recovered from any other
21 person which relates to the care, services, or supplies for
22 which repayment is sought.

23 4. Nothing in this section shall be construed to impede or
24 restrict alternative recovery methods for claims specified in
25 this section or claims which do not meet the requirements of
26 this section.

27 Sec. 11. NEW SECTION. **249A.47 Improperly filed claims**
28 **— other violations — imposition of monetary recovery and**
29 **sanctions.**

30 1. In addition to any other remedies or penalties prescribed
31 by law, including but not limited to those specified pursuant
32 to section 249A.8 or chapter 685, all of the following shall be
33 applicable to violations under the medical assistance program:

34 a. A person who knowingly presents or causes to be presented
35 to the department a claim that the department determines meets



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 any of the following criteria is subject to a civil penalty of
2 not more than ten thousand dollars for each item or service:

3 (1) A claim for medical or other items or services that
4 the provider knows or should have known was not provided as
5 claimed, including a claim by any provider who engages in a
6 pattern or practice of presenting or causing to be presented
7 a claim for an item or service that is based on a billing code
8 that the provider knows or should have known will result in
9 a greater payment to the provider than the billing code the
10 provider knows or should have known is applicable to the item
11 or service actually provided.

12 (2) A claim for medical or other items or services the
13 provider knows or should have known to be false or fraudulent.

14 (3) A claim for a physician service or an item or service
15 incident to a physician service by a person who knows or should
16 have known that the individual who furnished or supervised the
17 furnishing of the service meets any of the following:

18 (a) Was not licensed as a physician.

19 (b) Was licensed as a physician, but such license had been
20 obtained through a misrepresentation of material fact.

21 (c) Represented to the patient at the time the service
22 was furnished that the physician was certified in a medical
23 specialty by a medical specialty board when the individual was
24 not so certified.

25 (4) A claim for medical or other items or services furnished
26 during a period in which the provider was excluded from
27 providing such items or services.

28 (5) A claim for a pattern of medical or other items or
29 services that a provider knows or should have known were not
30 medically necessary.

31 b. A provider who knowingly presents or causes to be
32 presented to any person a request for payment which is in
33 violation of the terms of either of the following is subject to
34 a civil penalty of not more than ten thousand dollars for each
35 item or service:

LSB 1263XD (9) 85

pf/nh

7/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 (1) An agreement with the department or a requirement of a
2 state plan under Tit. XIX or XXI of the federal Social Security
3 Act not to charge a person for an item or service in excess of
4 the amount permitted to be charged.

5 (2) An agreement to be a participating provider.

6 c. A provider who is not an organization, agency, or
7 other entity, and knowing that the provider is excluded from
8 participating in a program under Tit. XVIII, XIX, or XXI of the
9 federal Social Security Act at the time of the exclusion, who
10 does any of the following, is subject to a civil penalty of ten
11 thousand dollars for each day that the prohibited relationship
12 occurs:

13 (1) Retains a direct or indirect ownership or control
14 interest in an entity that is participating in such programs,
15 and knows or should have known of the action constituting the
16 basis for the exclusion.

17 (2) Is an officer or managing employee of such an entity.

18 d. A provider who knowingly offers to or transfers
19 remuneration to any individual eligible for benefits under Tit.
20 XIX or XXI of the federal Social Security Act and who knows
21 or should have known such offer or remuneration is likely to
22 influence such individual to order or receive from a particular
23 provider any item or service for which payment may be made, in
24 whole or in part, under Tit. XIX or XXI of the federal Social
25 Security Act, is subject to a civil penalty of not more than
26 ten thousand dollars for each item or service.

27 e. A provider who knowingly arranges or contracts, by
28 employment or otherwise, with an individual or entity that
29 the provider knows or should have known is excluded from
30 participation under Tit. XVIII, XIX, or XXI of the federal
31 Social Security Act, for the provision of items or services for
32 which payment may be made under such titles, is subject to a
33 civil penalty of not more than ten thousand dollars for each
34 item or service.

35 f. A provider who knowingly offers, pays, solicits, or



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 receives payment, directly or indirectly, to reduce or limit
2 services provided to any individual eligible for benefits under
3 Tit. XVIII, XIX, or XXI of the federal Social Security Act,
4 is subject to a civil penalty of not more than fifty thousand
5 dollars for each act.

6 *g.* A provider who knowingly makes, uses, or causes to
7 be made or used, a false record or statement material to a
8 false or fraudulent claim for payment for items and services
9 furnished under Tit. XIX or XXI of the federal Social Security
10 Act, is subject to a civil penalty of not more than fifty
11 thousand dollars for each false record or statement.

12 *h.* A provider who knowingly fails to grant timely access,
13 upon reasonable request, to the department for the purpose of
14 audits, investigations, evaluations, or other functions of the
15 department, is subject to a civil penalty of fifteen thousand
16 dollars for each day of the failure.

17 *i.* A provider who knowingly makes or causes to be made any
18 false statement, omission, or misrepresentation of a material
19 fact in any application, bid, or contract to participate
20 or enroll as a provider of services or a supplier under
21 Tit. XVIII, XIX, or XXI of the federal Social Security Act,
22 including a managed care organization or entity that applies
23 to participate as a provider of services or supplier in such
24 a managed care organization or plan, is subject to a civil
25 penalty of fifty thousand dollars for each false statement,
26 omission, or misrepresentation of a material fact.

27 *j.* A provider who knows of an overpayment and does not
28 report and return the overpayment in accordance with section
29 249A.41 is subject to a civil penalty of ten thousand dollars
30 for each failure to report and return an overpayment.

31 2. In addition to the civil penalties prescribed under
32 subsection 1, for any violation specified in subsection 1, a
33 provider shall be subject to the following, as applicable:

34 *a.* For violations specified in subsection 1, paragraph
35 "a", "b", "c", "d", "e", "g", "h", or "j", an assessment of not



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 more than three times the amount claimed for each such item or
2 service in lieu of damages sustained by the department because
3 of such claim.

4 *b.* For a violation specified in subsection 1, paragraph
5 "*f*", damages of not more than three times the total amount of
6 remuneration offered, paid, solicited, or received, without
7 regard to whether a portion of such remuneration was offered,
8 paid, solicited, or received for a lawful purpose.

9 *c.* For a violation specified in subsection 1, paragraph "*i*",
10 an assessment of not more than three times the total amount
11 claimed for each item or service for which payment was made
12 based upon the application containing the false statement,
13 omission, or misrepresentation of a material fact.

14 3. In determining the amount or scope of any penalty
15 or assessment imposed pursuant to a violation specified in
16 subsection 1, the director shall consider all of the following:

17 *a.* The nature of the claims and the circumstances under
18 which they were presented.

19 *b.* The degree of culpability, history of prior offenses, and
20 financial condition of the person against whom the penalties or
21 assessments are levied.

22 *c.* Such other matters as justice may require.

23 4. Of any amount recovered arising out of a claim under Tit.
24 XIX or XXI of the federal Social Security Act, the department
25 shall receive the amount bearing the same proportion paid by
26 the department for such claims, including any federal share
27 that must be returned to the centers for Medicare and Medicaid
28 services of the United States department of human services.
29 The remainder of any amount recovered shall be deposited in the
30 general fund of the state.

31 5. Civil penalties levied under this section are appealable
32 under 441 IAC ch. 7, but, notwithstanding any provision to the
33 contrary in that chapter, the appellant shall bear the burden
34 to prove by clear and convincing evidence that the claim was
35 not filed improperly.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 6. For the purposes of this section, "claim" includes but is
2 not limited to the submission of a cost report.

3 Sec. 12. NEW SECTION. **249A.48 Costs.**

4 1. The department may seek recovery of investigative costs
5 from any provider or other person who submits, or causes to
6 be submitted, a claim for reimbursement for services the
7 provider or other person knows or reasonably should have known
8 would result in the incorrect payment of medical assistance.
9 Investigative costs include but are not limited to the costs
10 the department incurs in an audit and reasonable attorney fees.
11 Investigative costs do not include billing errors that result
12 in unintentional overcharges.

13 2. For the purposes of calculating a rate of payment for
14 a provider, allowable costs shall not include professional
15 fees, including but not limited to accountant or attorney
16 fees, incurred by the provider relating to any proceeding or
17 prospective proceeding relating to overpayment, sanction, or
18 other medical assistance program integrity proceedings.

19 Sec. 13. NEW SECTION. **249A.49 Temporary moratoria.**

20 1. The Iowa Medicaid enterprise shall impose a temporary
21 moratorium on the enrollment of new providers or provider types
22 identified by the centers for Medicare and Medicaid services of
23 the United States department of health and human services as
24 posing an increased risk to the medical assistance program.

25 a. This section shall not be interpreted to require the
26 Iowa Medicaid enterprise to impose a moratorium if the Iowa
27 Medicaid enterprise determines that imposition of a temporary
28 moratorium would adversely affect access of recipients to
29 medical assistance services.

30 b. If the Iowa Medicaid enterprise makes a determination
31 as specified in paragraph "a", the Iowa Medicaid enterprise
32 shall notify the centers for Medicare and Medicaid services of
33 the United States department of health and human services in
34 writing.

35 2. The Iowa Medicaid enterprise may impose a temporary

LSB 1263XD (9) 85

-11-

pf/nh

11/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 moratorium on the enrollment of new providers, or impose
2 numerical caps or other limits that the Iowa Medicaid
3 enterprise and the centers for Medicare and Medicaid services
4 identify as having a significant potential for fraud, waste, or
5 abuse.

6 *a.* Before implementing the moratorium, caps, or other
7 limits, the Iowa Medicaid enterprise shall determine that its
8 action would not adversely impact access by recipients to
9 medical assistance services.

10 *b.* The Iowa Medicaid enterprise shall notify, in writing,
11 the centers for Medicare and Medicaid services, if the Iowa
12 Medicaid enterprise seeks to impose a moratorium under this
13 subsection, including all of the details of the moratorium.
14 The Iowa Medicaid enterprise shall receive approval from the
15 centers for Medicare and Medicaid services prior to imposing a
16 moratorium under this subsection.

17 3. *a.* The Iowa Medicaid enterprise shall impose any
18 moratorium for an initial period of six months.

19 *b.* If the Iowa Medicaid enterprise determines that it
20 is necessary, the Iowa Medicaid enterprise may extend the
21 moratorium in six-month increments. Each time a moratorium
22 is extended, the Iowa Medicaid enterprise shall document, in
23 writing, the necessity for extending the moratorium.

24 Sec. 14. NEW SECTION. **249A.50 Internet site — providers**
25 **found in violation of medical assistance program.**

26 1. The director shall maintain on the department's internet
27 site, in a manner readily accessible by the public, all of the
28 following:

29 *a.* A list of all providers that the department has
30 terminated, suspended, placed on probation, or otherwise
31 sanctioned.

32 *b.* A list of all providers that have failed to return an
33 identified overpayment of medical assistance within the time
34 frame specified in section 249A.41.

35 *c.* A list of all providers found liable for a false claims

LSB 1263XD (9) 85

-12-

pf/nh

12/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 law violation related to the medical assistance program under
2 chapter 685.

3 2. The director shall take all appropriate measures to
4 safeguard the protected health information, social security
5 numbers, and other information of the individuals involved,
6 which may be redacted or omitted as provided in rule of civil
7 procedure 1.422. A provider shall not be included on the
8 internet site until all administrative and judicial remedies
9 relating to the violation have been exhausted.

10 Sec. 15. CODE EDITOR DIRECTIVES. The Code editor shall do
11 all of the following:

12 1. Create a new subchapter in chapter 249A, entitled
13 "Medical Assistance Eligibility and Miscellaneous Provisions",
14 which shall include sections 249A.1 through 249A.4, section
15 249A.4B, sections 249A.9 through 249A.13, sections 249A.15
16 through 249A.18A, and sections 249A.20 through 249A.38,
17 Code 2013. The Code editor may renumber sections within the
18 subchapter and shall correct internal references as necessary.

19 2. Create a new subchapter in chapter 249A, entitled
20 "Medical Assistance Program Integrity", which shall include
21 sections 249A.39 through 249A.50, as enacted in this Act.

22 3. a. Transfer section 249A.4A, sections 249A.5 through
23 249A.8, section 249A.14, and section 249A.19, Code 2013, to the
24 new subchapter entitled "Medical Assistance Program Integrity".
25 The Code editor shall renumber the transferred sections as
26 follows:

27 (1) Section 249A.4A as section 249A.53.

28 (2) Section 249A.5 as section 249A.54.

29 (3) Section 249A.6 as section 249A.55.

30 (4) Section 249A.6A as section 249A.56.

31 (5) Section 249A.7 as section 249A.51.

32 (6) Section 249A.8 as section 249A.52.

33 (7) Section 249A.14 as section 249A.57.

34 (8) Section 249A.19 as section 249A.58.

35 b. The Code editor shall correct internal references as

LSB 1263XD (9) 85

-13-

pf/nh

13/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 necessary.

2 EXPLANATION

3 This bill relates to medical assistance (Medicaid) program
4 integrity.

5 The bill amends Code section 10A.108, which provides that
6 if a person refuses or neglects to repay benefits or provider
7 payments inappropriately obtained from the department of human
8 services (DHS), the amount inappropriately obtained constitutes
9 a debt and is a lien in favor of the state upon all property
10 belonging to the person. The bill provides that DHS is no
11 longer responsible for paying the fee for recording of the
12 satisfaction of the lien or the debt, but that this is the
13 responsibility of the debtor.

14 The bill requires a provider who has received an overpayment
15 to provide notification in writing and return the overpayment
16 to the department, department's agent, or the department's
17 contractor, as applicable. The notification and return of
18 the overpayment are to be completed the earlier of 60 days
19 after the date on which the overpayment was identified by the
20 provider or the date any corresponding cost report is due,
21 as applicable. Violation of this provision constitutes a
22 violation of the false claims Act (Code chapter 685).

23 The bill provides that if a provider is administratively
24 dissolved and receives payments following the dissolution,
25 the payments are considered to be overpayments and to be
26 incorrectly paid.

27 The bill provides for the accrual of interest on, and the
28 rate of interest applicable to, overpayments.

29 The bill requires that an administrative action to recover
30 an overpayment be commenced within 10 years of the date the
31 overpayment occurred. An administrative action to impose
32 a sanction on a provider related to an overpayment must be
33 commenced within five years of the date the conduct underlying
34 the sanction concluded, or the director of human services
35 discovered such conduct, whichever is first.

LSB 1263XD (9) 85

-14-

pf/nh

14/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 The bill provides a process to establish a judgment by
2 operation of law for any overpayment to a Medicaid provider
3 90 days after the notice of overpayment is served upon the
4 provider.

5 The bill provides for emergency relief relating to
6 overpayments to Medicaid providers or others. The bill
7 provides that the director of human services or the attorney
8 general may bring an action for a temporary restraining order
9 or injunctive relief to prevent a provider or other person from
10 transferring property or otherwise taking actions to protect
11 the provider's or other person's business inconsistent with the
12 recovery being sought.

13 The bill authorizes DHS to refuse to accept financial and
14 statistical reports, cost reports, and other submissions from
15 third parties acting under the authority or direction of a
16 provider for good cause, and defines "good cause". If DHS
17 refuses to accept a submission from such a third party, the
18 third party is strictly liable to the provider for all fees
19 incurred, attorney fees, and other costs. The bill provides
20 that DHS shall not take any adverse action against the provider
21 under circumstance that result from any unintentional delay on
22 the part of the provider in submitting a new submission.

23 The bill provides for repayment by persons other than the
24 provider for improper payments including the person submitting
25 an incorrect or improper claim, the person causing the claim
26 to be submitted, or the person receiving payment for the
27 claim. The bill also provides that DHS may require repayment
28 for inappropriate, improper, unnecessary, or excessive care,
29 services, or supplies from the person furnishing them, the
30 person under whose supervision they were furnished, or the
31 person causing them to be furnished. Any person furnishing,
32 or supervising the furnishing of, medical care, services, or
33 supplies is jointly and severally liable for any overpayments
34 resulting from the furnishing of the care, services, or
35 supplies.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 The bill provides specific civil penalties and assessments
2 or damages for improperly filed claims and other violations
3 relating to improper reimbursement under the Medicaid program.

4 The bill authorizes the department to recover investigative
5 costs from any provider or other person who submits, or causes
6 to be submitted, a claim for reimbursement for services the
7 provider or other person knows or reasonably should have known
8 would result in the incorrect payment of medical assistance.

9 The bill also provides that in calculating a rate of payment
10 for a provider, allowable costs do not include professional
11 fees incurred by the provider relating to any Medicaid program
12 integrity proceeding.

13 The bill directs the Iowa Medicaid enterprise (IME) to
14 impose temporary moratoria on enrollment of new providers or
15 provider types identified by the centers for Medicare and
16 Medicaid services of the United States department of health
17 and human services (CMS) as posing an increased risk to the
18 Medicaid program. The moratoria are not required if the IME
19 determines that imposition of a temporary moratorium would
20 adversely affect access of recipients to Medicaid services.
21 However, if the IME makes such a determination, IME is to
22 notify CMS in writing. The bill also authorizes IME to
23 impose temporary moratoria on enrollment of new providers, or
24 impose numerical caps or other limits that the IME and CMS
25 identify as having a significant potential for fraud, waste,
26 or abuse. Before implementing the moratoria, caps, or other
27 limits, IME must determine that its action would not adversely
28 impact access by recipients to Medicaid services, notify CMS
29 in writing, and receive approval from CMS. Any moratorium is
30 to be imposed for an initial period of six months and may then
31 be extended in six-month increments. The necessity for any
32 extension is to be documented in writing.

33 The bill requires the director of human services to maintain
34 on the department's internet site, in a manner readily
35 accessible by the public, lists of all providers that the

LSB 1263XD (9) 85

-16-

pf/nh

16/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 department has terminated, suspended, placed on probation, or
2 otherwise sanctioned; all providers that have failed to return
3 an identified overpayment; and all providers found liable for a
4 false claims law violation related to Medicaid.

5 The bill provides for all Medicaid program integrity
6 provisions to be codified in a new subchapter under Code
7 chapter 249A (medical assistance), including the new provisions
8 enacted in the bill and existing provisions under Code sections
9 249A.4A (garnishment), 249A.5 (recovery of payment), 249A.6
10 (assignment — lien), 249A.6A (restitution), 249A.7 (fraudulent
11 practices — investigations and audits — Medicaid fraud fund),
12 249A.8 (fraudulent practice), 249A.14 (county attorney to
13 enforce), and 249A.19 (health care facilities — penalty).



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

House Study Bill 111 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
ECONOMIC GROWTH BILL BY
CHAIRPERSON HANUSA)

A BILL FOR

1 An Act relating to rural water providers by making changes
2 to water service requirements and changes related to
3 compensation for the acquisition of certain facilities by a
4 city.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2004YC (2) 85
aw/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. _____

1 Section 1. Section 357A.1, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 6A. "Rural water association" or
4 "association" means a rural water association organized and
5 incorporated as a cooperative association under chapter 499 or
6 as a nonprofit corporation under chapter 504.

7 Sec. 2. Section 357A.2, subsections 3 and 4, Code 2013, are
8 amended to read as follows:

9 3. a. Water services, other than water services provided as
10 of April 1, 1987, shall not be provided within two miles of the
11 limits of a city by a rural water district incorporated under
12 this chapter or chapter 504 except as provided in this section.

13 b. Water services, other than water services provided as
14 of July 1, 2013, shall not be provided within two miles of
15 the limits of a city by a rural water association, except as
16 otherwise provided for in this section.

17 4. a. A rural water district incorporated under this
18 chapter or chapter 504 may or rural water association shall
19 give notice of intent to provide water service to a new area
20 within two miles of a city or to replace or substantially
21 increase the capacity of existing facilities or infrastructure
22 within two miles of a city by submitting a water plan to the
23 city. If city water service is governed by a board of trustees
24 established under chapter 388, the water plan shall be filed
25 with the board of trustees.

26 b. The plan is only required to shall indicate the area
27 within two miles of the city which the rural water district or
28 rural water association intends to serve within four years of
29 the date the plan is filed.

30 c. The plan shall describe whether federal financing of the
31 rural water district or rural water association may directly or
32 indirectly create an exclusive right, franchise, or privilege.
33 The plan shall also describe whether such financing may limit,
34 curtail, or preempt rights or privileges of a city to serve
35 current or future customers. The plan shall further describe

LSB 2004YC (2) 85

-1-

aw/sc

1/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. _____

1 whether the district or association facilities will provide
2 sufficient capacity for fire protection services to be provided
3 in the area within two miles of a city. The plan shall include
4 the number of customers that existing facilities are meant to
5 serve or, in the case of notification of intent to replace or
6 substantially increase capacity, the number of new customers to
7 be served by replaced or expanded facilities.

8 d. If the city fails to respond to ~~the rural water~~
9 ~~district's~~ such a plan within ninety days of receipt of the
10 plan, the rural water district or rural water association may
11 provide service in the area designated in the plan. The city
12 may inform the ~~rural water~~ district or association within
13 ninety days of receipt of the plan that the city requires
14 additional time or information to study the question of
15 providing water service outside the limits of the city. If
16 additional time or information is required, the city shall
17 respond to the ~~rural water district's~~ plan within one hundred
18 eighty days of receipt of the plan.

19 e. In responding to the plan, the city may waive its right
20 to provide water service within the areas designated for
21 service by the rural water district or rural water association,
22 or the city may reserve the right to provide water service in
23 some or all of the areas which the ~~rural water~~ district or
24 association intends to serve. If the city reserves the right
25 to provide water service within some or all of the areas which
26 the ~~rural water~~ district or association intends to serve, the
27 city shall provide service within four years of receipt of the
28 plan. The city may rescind a waiver after four years from the
29 date the plan is filed for any area in which the district or
30 association has not provided service.

31 f. This section does not preclude a city from providing
32 water service in ~~an area which is annexed by the city~~
33 accordance with section 357A.21.

34 Sec. 3. Section 357A.2, Code 2013, is amended by adding the
35 following new subsection:

LSB 2004YC (2) 85

aw/sc

2/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. _____

1 NEW SUBSECTION. 5. A city shall compensate a rural
2 water district or rural water association for any existing
3 facilities displaced by the city's provision of water service
4 in accordance with section 357A.21.
5 Sec. 4. NEW SECTION. 357A.4A Notice of intent to apply for
6 a federal loan — requirements.
7 1. a. No later than ninety days prior to a rural water
8 district or rural water association filing an application for
9 a federal loan or a federal loan extension that directly or
10 indirectly creates an exclusive right, franchise, or privilege
11 or limits, curtails, or preempts rights or privileges of a
12 city to serve current or future water customers if the city
13 is within two miles of the proposed service area or estimated
14 growth area of the district or association, the district or
15 association shall send by certified mail a notice of intent to
16 apply for such a loan or loan extension to each such city.
17 b. The notice shall include the purpose of the loan or loan
18 extension, the amount of the requested loan or loan extension,
19 the estimated length of the loan or loan extension term, and
20 the estimated growth needs of the area that the rural water
21 district or rural water association intends to serve during
22 the estimated loan or loan extension term. A map of the
23 area shall be attached to the notice. The notice shall also
24 describe whether existing or future industrial, commercial,
25 or institutional water users within two miles of the proposed
26 service area or estimated growth area would be economically
27 and adequately served, as that phrase is defined in section
28 357A.16, by the district or association.
29 2. Any city within two miles of a proposed service area
30 or estimated growth area described in subsection 1 shall have
31 sixty days to respond to the rural water district or rural
32 water association and to state the city's intent to provide
33 service within four years to an area within the proposed
34 service area or estimated growth area. Any area to be served
35 by a city, as well as any current or future customers located

LSB 2004YC (2) 85
aw/sc

-3-

3/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. _____

1 in that area, shall not be included in the district's or
2 association's proposed service area. A district or association
3 shall not use any area to be served by a city, pursuant to this
4 subsection, for any purpose related to a federal loan or loan
5 extension.

6 Sec. 5. Section 357A.16, Code 2013, is amended to read as
7 follows:

8 **357A.16 Detaching real property from a district or**
9 **association.**

10 1. If it becomes apparent that any real property included
11 within a rural water district or a rural water association
12 cannot economically or adequately be served by the facilities
13 of the district or association, the owners of the real property
14 may file with the auditor a petition to the supervisors
15 requesting that the real property be detached from the district
16 or association. The petition shall:

17 ~~1-~~ a. Describe by section, or fraction thereof, and by
18 township and range, the real property which it is proposed
19 to detach from the rural water district or rural water
20 association.

21 ~~2-~~ b. State that the real property cannot economically
22 or adequately be served by the facilities of the rural water
23 district or rural water association, and that it is not
24 feasible for the district or association to enlarge or extend
25 its facilities so as to economically and adequately serve the
26 real property.

27 ~~3-~~ c. Be signed by the owners of all the real property
28 which it is desired to detach from the rural water district or
29 rural water association.

30 2. For the purposes of this section and section 357A.4A,
31 "economically or adequately served" means that the facilities
32 of the rural water district or rural water association do not
33 create an impediment to economic development and includes
34 but is not limited to the district or association offering
35 reasonable water service rates to the owners of real property,

LSB 2004YC (2) 85

-4-

aw/sc

4/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. _____

1 the sufficient provision of water and infrastructure for fire
2 protection and fire suppression, and the ability to provide any
3 reasonably anticipated future water service needs as specified
4 by the owners of the real property.

5 Sec. 6. Section 357A.21, Code 2013, is amended to read as
6 follows:

7 **357A.21 Annexation Condemnation of facilities and annexation**
8 **of land by a city — arbitration.**

9 1. A rural water district or rural water association, or
10 a water district organized under this chapter, chapter 357,
11 499, or 504 shall be fairly compensated for losses resulting
12 from annexation distribution facilities acquired by a city.
13 Where such distribution facilities located within the corporate
14 limits of a city are acquired by the city through condemnation,
15 compensation shall be based upon the original cost of the
16 distribution facilities less depreciation, but shall not be
17 less than the remaining portion of the original debt for the
18 distribution facilities being acquired nor more than the
19 original cost of the distribution facilities. A city may
20 provide compensation to a district or association for a service
21 that was proposed or intended to be provided by the district or
22 association at the time of the acquisition.

23 2. The If a city annexes territory containing facilities
24 owned by a district or association, the governing body of a
25 the city or the city's water utility and the governing board
26 of directors or trustees of the water district or association
27 may agree to terms which provide that the facilities owned by
28 the water district or association and located within the city
29 shall be retained by the water district or association for the
30 purpose of transporting water to customers outside the city.
31 If an agreement is not reached within ninety days, the issues
32 may be submitted to arbitration. If submitted, an arbitrator
33 shall be selected by a committee which includes one member of
34 the governing body of the city or its designee, one member
35 of the water district's or association's governing board of

LSB 2004YC (2) 85

aw/sc

5/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. _____

1 ~~directors or trustees~~ or its designee, and a disinterested
2 party selected by the other two members of the committee. A
3 list of qualified arbitrators may be obtained from the American
4 arbitration association or other recognized arbitration
5 organization or association.

6 EXPLANATION

7 This bill relates to rural water providers by making
8 changes to water service requirements and changes related to
9 compensation for certain facilities takings.

10 The bill defines "rural water association".

11 The bill places certain limitations on the provision of
12 water services by rural water associations to areas that are
13 within two miles of a city after July 1, 2013.

14 Current law provides that a rural water district may provide
15 notice of intent to provide water service to a new area within
16 two miles of a city. The bill requires that rural water
17 associations also provide such notice. The bill requires that
18 notice also be provided by a district or association intending
19 to replace or substantially increase the capacity of existing
20 facilities within two miles of a city. The bill further
21 requires that if a city's water service is governed by a board
22 of trustees that the notice shall be filed with the board.

23 Current law requires that a water plan submitted by a
24 rural water district only include an indication of the new
25 area that the district intends to serve. The bill requires
26 that a district or association indicate any such area that
27 the district or association intends to serve within four
28 years following the date that the plan is filed with a city.
29 Additionally, the plan is also required to provide information
30 relating to federal financing, fire protection service
31 capacity, and information related to the number of customers
32 served or intended to be served.

33 Current law provides that a city may waive its right to
34 provide water service within the areas designated in a water
35 plan. The bill provides that a city may rescind such a waiver

LSB 2004YC (2) 85
aw/sc

6/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. _____

1 after four years following the date the water plan is filed
2 with the city, provided that the district or association has
3 not provided service to the area.

4 The bill requires that a rural water district or rural water
5 association provide a city within two miles of a proposed
6 service area or estimated growth area with notice of an
7 application for a federal loan or federal loan extension. The
8 district or association is required to provide such notice no
9 later than 90 days prior to filing such an application. The
10 notice is required to include specified information regarding
11 the loan or loan extension, loan term, and certain information
12 pertaining to the proposed service area or estimated growth
13 area. The bill provides that any city within two miles of
14 the proposed service area or estimated growth area shall have
15 60 days to respond to the notice and state the city's intent
16 to provide service within four years to an area within the
17 proposed service area or estimated growth area. The bill
18 requires that any area in which a city has stated an intent
19 to provide service shall not be included in the district's or
20 association's water plan or be used for any purposes related to
21 a federal loan or loan extension.

22 The bill provides a definition for the term "economically or
23 adequately served" related to the provision of water service
24 by a district or association.

25 Current law provides that a water district be compensated
26 for losses resulting from annexation. The bill strikes that
27 provision and provides that a district be compensated for
28 distribution facilities acquired by a city through condemnation
29 procedures and provides a formula for determining the amount
30 of compensation to be paid. The bill further provides that a
31 city may provide compensation to a district or association for
32 service that was proposed or intended to be provided by the
33 district or association at the time of acquisition.

LSB 2004YC (2) 85
aw/sc

-7-

7/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

House Study Bill 112 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON VANDER LINDEN)

A BILL FOR

1 An Act concerning restrictions on dosage amounts for
2 phenylbutazone in certain horse races.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1594YC (3) 85
ec/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

H.F. _____

1 Section 1. Section 99D.25A, subsection 2, Code 2013, is
2 amended to read as follows:
3 2. Phenylbutazone shall not be administered to a horse in
4 dosages which would result in concentrations of more than five
5 micrograms of the substance or its metabolites per milliliter
6 of blood. In races recognized as graded stakes races by the
7 Iowa horsemen's benevolent and protective association, the
8 commission may establish restrictions on dosage amounts for
9 phenylbutazone which would result in concentrations of less
10 than five micrograms of the substance or its metabolites per
11 milliliter of blood.

12 EXPLANATION

13 This bill allows the racing and gaming commission to
14 establish restrictions on dosage amounts for phenylbutazone in
15 races recognized as graded stakes races by the Iowa horsemen's
16 benevolent and protective association.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

House Study Bill 113 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED ETHICS AND
CAMPAIGN DISCLOSURE BOARD
BILL)

A BILL FOR

1 An Act making changes to the campaign finance laws relating to
2 independent expenditures.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1300DP (6) 85
jr/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 Section 1. Section 68A.201, subsection 1, Code 2013, is
2 amended to read as follows:
3 1. a. Every committee, as defined in this chapter, shall
4 file a statement of organization within ten days from the date
5 of its organization. Unless formal organization has previously
6 occurred, a committee is deemed to have organized as of the
7 date that committee transactions exceed the financial activity
8 threshold established in section 68A.102, subsection 5 or
9 18. If committee transactions exceed the financial activity
10 threshold prior to the due date for filing a disclosure report
11 as established under section 68A.402, the committee shall file
12 a disclosure report whether or not a statement of organization
13 has been filed by the committee.
14 b. A person who makes one or more independent expenditures
15 and files all statements required by section 68A.404 shall not
16 be required to organize a committee or file the statement of
17 organization required under this section.
18 Sec. 2. Section 68A.404, subsections 1, 2, 3, and 7, Code
19 2013, are amended to read as follows:
20 1. As used in this section, "*independent expenditure*" means
21 one or more expenditures in excess of seven hundred fifty
22 dollars in the aggregate for a communication that expressly
23 advocates the nomination, election, or defeat of a clearly
24 identified candidate ~~or the passage or defeat of a ballot issue~~
25 that is made without the prior approval or coordination with
26 a candidate, candidate's committee, state statutory political
27 committee, county statutory political committee, or a ballot
28 issue political committee.
29 2. ~~a. An entity~~ a person, other than an individual or
30 individuals, shall not make an independent expenditure or
31 disburse funds from its treasury to pay for, in whole or in
32 part, an independent expenditure made by another person without
33 the authorization of a majority of the ~~entity's~~ person's board
34 of directors, executive council, or similar organizational
35 leadership body of the use of treasury funds for an independent

LSB 1300DP (6) 85

-1-

jr/sc

1/6



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 expenditure involving a candidate ~~or ballot issue committee~~.
2 Such authorization must occur in the same calendar year in
3 which the independent expenditure is incurred.
4 **b.** Such authorization shall expressly provide whether
5 the board of directors, executive council, or similar
6 organizational leadership body authorizes one or more
7 independent expenditures that expressly advocate the nomination
8 or election of a candidate ~~or passage of a ballot issue~~ or
9 authorizes one or more independent expenditures that expressly
10 advocate the defeat of a candidate ~~or ballot issue~~.
11 **c.** A foreign national shall not make an independent
12 expenditure, directly or indirectly, that advocates the
13 nomination, election, or defeat of any candidate ~~or the~~
14 ~~passage or defeat of any ballot issue~~. As used in this
15 section, "*foreign national*" means a person who is not a citizen
16 of the United States and who is not lawfully admitted for
17 permanent residence. "*Foreign national*" includes a foreign
18 principal, such as a government of a foreign country or a
19 foreign political party, partnership, association, corporation,
20 organization, or other combination of persons that has its
21 primary place of business in or is organized under the laws of
22 a foreign country. "*Foreign national*" does not include a person
23 who is a citizen of the United States or who is a national of
24 the United States.
25 **d.** This section does not apply to a candidate, candidate's
26 committee, state statutory political committee, county
27 statutory political committee, or a political committee.
28 This section does not apply to a federal committee or an
29 out-of-state committee that makes an independent expenditure.
30 A person who makes one or more independent expenditures and
31 files all statements required by this section shall not be
32 required to organize a committee or file the statement of
33 organization required under section 68A.201.
34 **3.** A person, other than a committee registered under this
35 chapter, that makes one or more independent expenditures shall



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 file an independent expenditure statement. All statements
2 ~~and reports~~ required by this section shall be filed in an
3 electronic format as prescribed by rule.

4 ~~a. Subject to paragraph "b", the person filing the~~
5 ~~independent expenditure statement shall file reports under~~
6 ~~sections 68A.402 and 68A.402A. An initial report shall be filed~~
7 ~~at the same time as the independent expenditure statement.~~
8 ~~Subsequent reports shall be filed according to the same~~
9 ~~schedule as the office or election to which the independent~~
10 ~~expenditure was directed.~~

11 ~~(1) A supplemental report shall be filed on the same dates~~
12 ~~as in section 68A.402, subsection 2, paragraph "b", if the~~
13 ~~person making the independent expenditure either raises or~~
14 ~~expends more than one thousand dollars.~~

15 ~~(2) A report filed as a result of this paragraph "a" shall~~
16 ~~not require the identification of individual members who~~
17 ~~pay dues to a labor union, organization, or association, or~~
18 ~~individual stockholders of a business corporation. A report~~
19 ~~filed as a result of this paragraph "a" shall not require the~~
20 ~~disclosure of any donor or other source of funding to the~~
21 ~~person making the independent expenditure except when the~~
22 ~~donation or source of funding, or a portion of the donation or~~
23 ~~source of funding, was provided for the purpose of furthering~~
24 ~~the independent expenditure.~~

25 ~~b. This section does not apply to a candidate, candidate's~~
26 ~~committee, state statutory political committee, county~~
27 ~~statutory political committee, or a political committee.~~
28 ~~This section does not apply to a federal committee or an~~
29 ~~out-of-state committee that makes an independent expenditure.~~

30 7. A person making an independent expenditure shall not
31 engage or retain an advertising firm or consultant that has
32 also been engaged or retained within the prior six months
33 by the candidate, or candidate's committee, ~~or ballot issue~~
34 ~~committee~~ that is benefited by the independent expenditure.

35 Sec. 3. Section 68A.404, subsection 5, paragraphs b, c, and

LSB 1300DP (6) 85

-3-

jr/sc

3/6



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 g, Code 2013, are amended to read as follows:

2 b. Description of the position advocated by the individuals
3 or persons with regard to the clearly identified candidate ~~or~~
4 ~~ballot issue~~.

5 c. Identification of the candidate ~~or ballot issue~~ benefited
6 by the independent expenditure.

7 g. A certification by an officer ~~of the corporation~~
8 representing the person, if the person is other than an
9 individual or individuals, that the board of directors,
10 executive council, or similar organizational leadership body
11 expressly authorized the independent expenditure or use of
12 treasury funds for the independent expenditure by resolution
13 or other affirmative action within the calendar year when the
14 independent expenditure was incurred.

15 Sec. 4. Section 68A.404, subsection 5, Code 2013, is amended
16 by adding the following new paragraphs:

17 NEW PARAGRAPH. h. The name and address of every donor or
18 other source of funding in excess of twenty-five dollars which
19 was provided for the purpose of furthering the independent
20 expenditure.

21 NEW PARAGRAPH. i. If the person making the independent
22 expenditure uses, in whole or in part, anything of value
23 from one or more donors which was not given for the purpose
24 of furthering the independent expenditure, the person making
25 the independent expenditure must disclose the top five donors
26 in the twelve months prior to the independent expenditure
27 being made who gave to the person making the independent
28 expenditure. For purposes of this section, a donor is a person
29 who has rendered anything of value in return for which legal
30 consideration of equal or greater value is not given and
31 received.

32 Sec. 5. Section 68A.405, subsection 1, paragraph h, Code
33 2013, is amended to read as follows:

34 h. If the published material is the result of an independent
35 expenditure subject to section 68A.404, the published material

LSB 1300DP (6) 85

-4-

jr/sc

4/6



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 shall include a statement that the published material was not
2 authorized by any candidate, candidate's committee, state
3 statutory political committee, county statutory political
4 committee, or ballot issue political committee.

5 EXPLANATION

6 This bill makes changes to the campaign finance laws
7 relating to independent expenditures.

8 The bill provides that a person who makes independent
9 expenditures and files all required statements is not required
10 to organize a committee or file a statement of organization.

11 The bill strikes current Code language requiring the filing
12 of independent expenditure reports.

13 The bill prohibits a person making an independent
14 expenditure from coordinating with a state statutory political
15 committee, a county statutory political committee, or other
16 political committee as well as a candidate or candidate's
17 committee. The statute currently only prohibits coordination
18 with a candidate, candidate's committee, or ballot issue
19 committee.

20 The bill eliminates the ability to make independent
21 expenditures in favor of or opposed to ballot issues.

22 The bill requires any person, other than one or more
23 individuals, who makes an independent expenditure to obtain
24 prior authorization for the independent expenditure from its
25 governing or leadership body. The statute currently only
26 requires an entity or corporation other, than an individual or
27 individuals, to obtain prior authorization.

28 The bill strikes current Code language which provides that
29 the identification of individual members who pay dues to a
30 labor union, organization, or association, or individual
31 stockholders of a business corporation is not required.

32 The bill requires disclosure of the name and address of every
33 donor or other source of funding in excess of \$25 provided
34 for the independent expenditure. The bill further requires
35 that if a person making an independent expenditure uses

LSB 1300DP (6) 85

-5-

jr/sc

5/6



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 anything of value from a donor, as defined in the bill, that
2 was not donated for the purpose of furthering the independent
3 expenditure, the person must disclose the person's top five
4 donors in the 12 months prior to the making of the independent
5 expenditure. The statute currently only requires disclosure
6 of donors if the donations were given for the purpose of
7 furthering the independent expenditure.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

Senate File 148 - Introduced

SENATE FILE 148
BY DANIELSON

A BILL FOR

1 An Act relating to the expungement of an acquittal or dismissal
2 of a criminal charge.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1678XS (3) 85
jm/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. 148

1 Section 1. NEW SECTION. 901C.1 Expungement of dismissals
2 and acquittals.

3 1. After a dismissal or acquittal of a charge, the court's
4 criminal record relating to the dismissal or acquittal shall
5 be expunged as a matter of law. The court shall enter an
6 order directing the clerk of the district court to expunge the
7 court's criminal record.

8 2. This section does not apply to a dismissed charge or an
9 acquittal of a charge if a deferred judgment was entered for a
10 charge related to the dismissal or acquittal and the provisions
11 of section 907.9, subsection 4, paragraph "b", apply.

12 3. The provisions of this section apply to a dismissal or
13 acquittal of a charge for an offense committed on or after July
14 1, 2013.

15 EXPLANATION

16 This bill relates to the expungement of a dismissal or
17 acquittal of a criminal charge.

18 After a dismissal or acquittal of a criminal charge, the bill
19 requires the court's criminal record relating to the dismissed
20 or acquitted charge to be expunged as a matter of law. The
21 bill specifies that the court shall enter an order directing
22 the clerk of the district court to expunge the court's criminal
23 record.

24 The bill does not apply to the dismissal or acquittal
25 of a criminal charge if a deferred judgment was entered
26 for a charge related to the dismissed or acquitted charge
27 because expungement provisions are already in place for this
28 circumstance in Code section 907.9(4)(b).

29 The bill only applies to a dismissal or acquittal of a
30 criminal charge for an offense committed on or after July 1,
31 2013.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

Senate File 149 - Introduced

SENATE FILE 149
BY KAPUCIAN

A BILL FOR

1 An Act allowing criminal history and abuse registry background
2 checks for certain food vendors.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1710SS (1) 85
jm/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. 149

1 Section 1. NEW SECTION. 137G.1 Food vendor — motor vehicle
2 — background check.

3 A business that operates a motor vehicle primarily marketing
4 the sale and dispensing of ice cream or other food products
5 from or near the motor vehicle to children may require an
6 employee, vendor, contractor, or agent of the business to
7 be subject to a criminal history and abuse registry record
8 background check. The business shall perform the background
9 check by accessing the single contact repository established
10 under section 135C.33, subsection 6.

11 Sec. 2. Section 235A.15, subsection 2, paragraph e, Code
12 2013, is amended by adding the following new subparagraph:

13 NEW SUBPARAGRAPH. (24) To a business which is authorized to
14 perform a background check pursuant to section 137G.1.

15 Sec. 3. Section 235B.6, subsection 2, paragraph e, Code
16 2013, is amended by adding the following new subparagraph:

17 NEW SUBPARAGRAPH. (19) To a business which is authorized to
18 perform a background check pursuant to section 137G.1.

19 EXPLANATION

20 This bill relates to criminal history and abuse registry
21 record checks for certain food vendors.

22 The bill provides that a business that operates a motor
23 vehicle primarily marketing the sale and dispensing of ice
24 cream or other food products from or near the motor vehicle
25 to children may require an employee, vendor, contractor, or
26 agent of the business to undergo a criminal history and abuse
27 registry record check by the business.

28 The bill requires a business that chooses to perform a
29 criminal history and abuse registry record background check to
30 perform such a check by accessing the single contact repository
31 established under Code section 135C.33(6).

32 The information received by the business accessing the
33 single contact repository includes information relating to the
34 following: Iowa criminal history, the sex offender registry,
35 the child abuse registry, and the dependent adult abuse

LSB 1710SS (1) 85

-1-

jm/nh

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. 149

1 registry.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

Senate File 150 - Introduced

SENATE FILE 150
BY SODDERS

A BILL FOR

1 An Act relating to persons offering orthotic, prosthetic, and
2 pedorthic services to the public, and relating to the scope
3 of orthotic, prosthetic, and pedorthic services which may
4 be ordered by certain health care providers, and including
5 transition provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1532XS (6) 85
jr/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. 150

1 Section 1. Section 148F.2, subsections 2 and 4, Code 2013,
2 are amended to read as follows:

3 2. "*Orthosis*" means a custom-fabricated or custom-fitted
4 brace or support designed to provide for alignment, correction,
5 or prevention of neuromuscular or musculoskeletal dysfunction,
6 disease, injury, or deformity. "*Orthosis*" does not include
7 fabric or elastic supports, corsets, arch supports, low
8 temperature plastic splints, trusses, elastic ~~hoses~~ hose,
9 canes, crutches, soft cervical collars, dental appliances,
10 or other similar devices carried in stock and sold as
11 "over-the-counter" items by a drug store, department store,
12 corset shop, or surgical supply facility.

13 4. "*Orthotic and prosthetic scope of practice*" means a
14 list of tasks, with relative weight given to such factors as
15 importance, criticality, and frequency, based on nationally
16 accepted standards of orthotic and prosthetic care as
17 outlined by the American board for certification in orthotics,
18 prosthetics, and pedorthics, incorporated.

19 Sec. 2. Section 148F.2, subsection 3, unnumbered paragraph
20 1, Code 2013, is amended to read as follows:

21 "*Orthotic and prosthetic education program*" means a course
22 of instruction accredited by the ~~national~~ commission on
23 accreditation of allied health education programs, consisting
24 of both of the following:

25 Sec. 3. Section 148F.2, subsection 8, unnumbered paragraph
26 1, Code 2013, is amended to read as follows:

27 "*Pedorthic education program*" means an educational program
28 ~~accredited by the American board for certification in~~
29 ~~orthotics, prosthetics, and pedorthics~~ approved by the national
30 commission on orthotic and prosthetic education consisting of
31 all of the following:

32 Sec. 4. Section 148F.2, subsections 9 and 16, Code 2013, are
33 amended to read as follows:

34 9. "*Pedorthic scope of practice*" means a list of tasks
35 with relative weight given to such factors as importance,

LSB 1532XS (6) 85

-1-

jr/sc

1/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. 150

1 criticality, and frequency based on nationally accepted
2 standards of pedorthic care as outlined by the American board
3 for certification in orthotics, prosthetics, and pedorthics,
4 incorporated.

5 16. "Resident" means a person who has completed an education
6 program in either orthotics or prosthetics and is continuing
7 the person's clinical education in a residency accredited by
8 the American board for certification in orthotics, prosthetics
9 and pedorthics national commission on orthotic and prosthetic
10 education.

11 Sec. 5. Section 148F.5, subsection 2, paragraph c, Code
12 2013, is amended to read as follows:

13 c. Complete a qualified ~~work~~ clinical experience program
14 ~~or internship~~ in pedorthics that has a minimum of one thousand
15 hours of pedorthic patient care experience in accordance
16 with any standards, guidelines, or procedures established
17 and approved by the board. The majority of training must
18 be devoted to services performed under the supervision of a
19 licensed orthotist or licensed practitioner of pedorthics or a
20 person certified as a certified pedorthist whose practice is
21 located outside the state.

22 Sec. 6. Section 148F.7, Code 2013, is amended to read as
23 follows:

24 **148F.7 Limitation on provision of care and services.**

25 A licensed orthotist, prosthetist, or pedorthist may provide
26 care or services only if the care or services are provided
27 pursuant to an order from a licensed physician, a licensed
28 podiatric physician, an advanced registered nurse practitioner
29 ~~who has a written collaborative agreement with a collaborating~~
30 ~~physician or podiatric physician that specifically authorizes~~
31 ~~ordering the services of an orthotist, prosthetist, or~~
32 ~~pedorthist, an advanced registered nurse practitioner who~~
33 ~~practices in a hospital or ambulatory surgical treatment center~~
34 ~~and possesses clinical privileges to order services of an~~
35 ~~orthotist, prosthetist, or pedorthist~~ licensed pursuant to

LSB 1532XS (6) 85

-2-

jr/sc

2/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. 150

1 chapter 152 or 152E, or a physician assistant who has been
2 delegated the authority to order the services of an orthotist,
3 prosthetist, or pedorthist by the assistant's supervising
4 physician. ~~A licensed podiatric physician or an advanced~~
5 ~~registered nurse practitioner collaborating with a podiatric~~
6 ~~physician may only order care or services concerning the foot~~
7 ~~from a licensed pedorthist or orthotist.~~

8 Sec. 7. NEW SECTION. 148F.9 Transition period.

9 1. Through June 30, 2014, a person certified as an
10 orthotist, prosthetist, or pedorthist by the American board
11 for certification in orthotics, prosthetics, and pedorthics,
12 incorporated, or holding similar certification from other
13 accrediting bodies, may apply for and may be issued an initial
14 license to practice orthotics, prosthetics, or pedorthics under
15 the provisions of this chapter without meeting the requirements
16 of section 148F.5, upon proof of current certification in good
17 standing and payment of the required licensure fees.

18 2. Through June 30, 2014, a person not certified as
19 described in subsection 1 who has practiced continuously
20 for at least thirty hours per week on average for at least
21 five of seven years in an accredited and bonded facility
22 as an orthotist, prosthetist, or pedorthist may file an
23 application with the board to continue to practice orthotics,
24 prosthetics, or pedorthics. The practice described under this
25 subsection shall only be required to have been performed in
26 an accredited and bonded facility if the facility is required
27 to be accredited and bonded by Medicare. The five years of
28 continuous practice must occur between July 1, 2007, and July
29 1, 2014. A person applying under this subsection may be
30 issued an initial license to practice orthotics, prosthetics,
31 or pedorthics under the provisions of this chapter without
32 meeting the requirements of section 148F.5, upon payment of the
33 licensure fees required by the department and after the board
34 has reviewed the application.

35 3. On or after July 1, 2014, an applicant for licensure

LSB 1532XS (6) 85

-3-

jr/sc

3/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. 150

1 as an orthotist, prosthetist, or pedorthist shall meet the
2 requirements of section 148F.5.

3 4. The board shall adopt rules to administer this section.

4 EXPLANATION

5 This bill contains several amendments to Code chapter 148F
6 regulating orthotic, prosthetic, and pedorthic practice and
7 services. The name of the national organization which approves
8 the course of instruction has been changed, and the bill makes
9 related conforming changes. The bill also provides that the
10 work component of the licensing requirement include a clinical
11 component and eliminates provisions for internships.

12 The bill strikes a provision in Code section 148F.7 that
13 specified circumstances under which a licensed advanced
14 registered nurse practitioner could order care or services
15 concerning the foot from a licensed pedorthist or orthotist,
16 and, instead, generally gives a licensed advanced registered
17 nurse practitioner that authority.

18 The bill creates a transition period through June 30,
19 2014, allowing persons who are certified as an orthotist,
20 prosthetist, or pedorthist by a national organization or who
21 have worked continuously as an orthotist, prosthetist, or
22 pedorthist for five of seven specified years to be licensed
23 without otherwise meeting the requirements of Code chapter
24 148F.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

Senate File 151 - Introduced

SENATE FILE 151
BY SODDERS

A BILL FOR

1 An Act establishing a criminal offense for removing or
2 attempting to remove a communication device from the
3 possession of a peace officer.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1927XS (2) 85
jm/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. 151

1 Section 1. NEW SECTION. 708.12 Removal of peace officer's
2 communication device.

3 1. A person who knowingly or intentionally removes or
4 attempts to remove a communication device from the possession
5 of a peace officer, as defined in section 724.2A, when the
6 officer is in the performance of any act which is within the
7 scope of the lawful duty or authority of that officer and the
8 person knew or should have known the individual to be a peace
9 officer, commits the offense of removal of a peace officer's
10 communication device.

11 2. A person who removes or attempts to remove a peace
12 officer's communication device is guilty of a class "D" felony.

13 EXPLANATION

14 This bill establishes a criminal offense for removing or
15 attempting to remove a communication device from the possession
16 of a peace officer.

17 Under the bill, a person commits removal of a peace officer's
18 communication device when the person knowingly or intentionally
19 removes or attempts to remove a communication device from the
20 possession of a peace officer, when the officer is in the
21 performance of the official duties of the officer and the
22 person knew or should have known the individual to be a peace
23 officer.

24 A person who violates the bill commits a class "D" felony. A
25 class "D" felony is punishable by confinement for no more than
26 five years and a fine of at least \$750 but not more than \$7,500.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

Senate File 152 - Introduced

SENATE FILE 152
BY SODDERS

A BILL FOR

1 An Act relating to procedural requirements in in rem forfeiture
2 proceedings.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2105SS (1) 85
rh/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. 152

1 Section 1. Section 809A.13, subsection 3, Code 2013, is
2 amended to read as follows:
3 3. ~~Only an owner of or an interest holder in the property~~
4 ~~who has timely filed a proper claim pursuant to section 809A.11~~
5 ~~may file an answer in an action in rem.~~ For the purposes of
6 this section, an owner of or interest holder in property who
7 has filed a ~~claim and~~ an answer shall be referred to as a
8 claimant.

9 EXPLANATION

10 This bill relates to procedural requirements in in rem
11 forfeiture proceedings.

12 Code section 809A.13 provides that an in rem forfeiture
13 action may be brought by a prosecuting attorney by serving a
14 notice of pending forfeiture on the owner or interested party
15 or by filing a verified complaint of forfeiture in court. In
16 a case where the owner or interested party is served notice
17 of the pending forfeiture, Code section 809A.11 provides that
18 the owner or interested property owner can file, within 30
19 days after the effective notice date, a claim in the property.
20 No similar notice or claim requirements exist if the in rem
21 forfeiture action is commenced through the filing of a verified
22 complaint. The bill eliminates the procedural limitation that
23 only allows an owner or an interest holder in property that is
24 the subject of an in rem forfeiture action who has been served
25 notice of the pending forfeiture and who has filed a timely
26 claim to file an answer in the action.

27 The bill is in response to an Iowa Supreme Court decision
28 filed on April 9, 2010 (In re Young, 780 N.W.2d 726), in which
29 the court held this statutory provision unconstitutional
30 because the plain meaning of the statute precludes an aggrieved
31 property owner or interested party from filing an answer to the
32 state's in rem forfeiture complaint in violation of state and
33 federal due process guarantees.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

Senate File 153 - Introduced

SENATE FILE 153
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1014)

A BILL FOR

1 An Act relating to the title of the office of citizens' aide.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1287SV (1) 85
jr/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. 153

1 Section 1. Section 2.12, unnumbered paragraph 4, Code 2013,
2 is amended to read as follows:

3 There is appropriated out of any funds in the state treasury
4 not otherwise appropriated such sums as may be necessary for
5 the fiscal year budgets of the legislative services agency and
6 the ~~citizens'~~ aide ombudsman office for salaries, support,
7 maintenance, and miscellaneous purposes to carry out their
8 statutory responsibilities. The legislative services agency
9 and the ~~citizens'~~ aide ombudsman office shall submit their
10 proposed budgets to the legislative council not later than
11 September 1 of each year. The legislative council shall review
12 and approve the proposed budgets not later than December 1 of
13 each year. The budget approved by the legislative council for
14 each of its statutory legislative agencies shall be transmitted
15 by the legislative council to the department of management on
16 or before December 1 of each year for the fiscal year beginning
17 July 1 of the following year. The department of management
18 shall submit the approved budgets received from the legislative
19 council to the governor for inclusion in the governor's
20 proposed budget for the succeeding fiscal year. The approved
21 budgets shall also be submitted to the chairpersons of the
22 committees on appropriations. The committees on appropriations
23 may allocate from the funds appropriated by this section
24 the funds contained in the approved budgets, or such other
25 amounts as specified, pursuant to a concurrent resolution to be
26 approved by both houses of the general assembly. The director
27 of the department of administrative services shall issue
28 warrants for salaries, support, maintenance, and miscellaneous
29 purposes upon requisition by the administrative head of each
30 statutory legislative agency. If the legislative council
31 elects to change the approved budget for a legislative agency
32 prior to July 1, the legislative council shall transmit the
33 amount of the budget revision to the department of management
34 prior to July 1 of the fiscal year, however, if the general
35 assembly approved the budget it cannot be changed except

LSB 1287SV (1) 85

-1-

jr/sc

1/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. 153

1 pursuant to a concurrent resolution approved by the general
2 assembly.

3 Sec. 2. Section 2.42, subsection 14, Code 2013, is amended
4 to read as follows:

5 14. To hear and act upon appeals of aggrieved employees of
6 the legislative services agency and the office of the ~~citizens'~~
7 ~~aide~~ ombudsman pursuant to rules of procedure established by
8 the council.

9 Sec. 3. Section 2C.2, Code 2013, is amended to read as
10 follows:

11 **2C.2 Office established.**

12 The office of ~~citizens'~~ ~~aide~~ ombudsman is established.

13 Sec. 4. Section 2C.3, Code 2013, is amended to read as
14 follows:

15 **2C.3 Appointment — vacancy.**

16 1. The ~~citizens'~~ ~~aide~~ ombudsman shall be appointed by the
17 legislative council with the approval and confirmation of a
18 constitutional majority of the senate and with the approval
19 and confirmation of a constitutional majority of the house of
20 representatives. The legislative council shall fill a vacancy
21 in this office in the same manner as the original appointment.
22 If the appointment or vacancy occurs while the general assembly
23 is not in session, such appointment shall be reported to the
24 senate and the house of representatives within thirty days of
25 their convening at their next regular session for approval and
26 confirmation.

27 2. The ~~citizens'~~ ~~aide~~ ombudsman shall employ and supervise
28 all employees under the ~~citizens'~~ ~~aide's~~ ombudsman's direction
29 in such positions and at such salaries as shall be authorized
30 by the legislative council. The legislative council shall hear
31 and act upon appeals of aggrieved employees of the office of
32 the ~~citizens'~~ ~~aide~~ ombudsman.

33 Sec. 5. Section 2C.4, Code 2013, is amended to read as
34 follows:

35 **2C.4 Citizen of United States and resident of Iowa.**

LSB 1287SV (1) 85

-2-

jr/sc

2/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. 153

1 The ~~citizens'~~aide ombudsman shall be a citizen of the
2 United States and a resident of the state of Iowa, and shall
3 be qualified to analyze problems of law, administration, and
4 public policy.

5 Sec. 6. Section 2C.5, Code 2013, is amended to read as
6 follows:

7 **2C.5 Term — removal.**

8 The ~~citizens'~~aide ombudsman shall hold office for four
9 years from the first day in July of the year of approval by the
10 senate and the house of representatives, and until a successor
11 is appointed by the legislative council, unless the ~~citizens'~~
12 aide ombudsman can no longer perform the official duties, or
13 is removed from office. The ~~citizens'~~aide ombudsman may at
14 any time be removed from office by constitutional majority vote
15 of the two houses of the general assembly or as provided by
16 chapter 66. If a vacancy occurs in the office of ~~citizens'~~
17 aide ombudsman, the deputy ~~citizens'~~aide ombudsman shall act
18 as ~~citizens'~~aide ombudsman until the vacancy is filled by the
19 legislative council.

20 Sec. 7. Section 2C.6, Code 2013, is amended to read as
21 follows:

22 **2C.6 Deputy — assistant for penal agencies.**

23 1. The ~~citizens'~~aide ombudsman shall designate one of the
24 members of the staff as the deputy ~~citizens'~~aide ombudsman,
25 with authority to act as ~~citizens'~~aide ombudsman when the
26 ~~citizens'~~aide ombudsman is absent from the state or becomes
27 disabled. The ~~citizens'~~aide ombudsman may delegate to members
28 of the staff any of the ~~citizens'~~aide's authority or duties of
29 the office except the duty of formally making recommendations
30 to agencies or reports to the governor or the general assembly.

31 2. The ~~citizens'~~aide ombudsman shall appoint an assistant
32 who shall be primarily responsible for investigating complaints
33 relating to penal or correctional agencies.

34 Sec. 8. Section 2C.7, unnumbered paragraph 1, Code 2013, is
35 amended to read as follows:

LSB 1287SV (1) 85

-3-

jr/sc

3/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. 153

1 Neither the ~~citizens'~~aide ombudsman nor any member of the
2 staff shall:

3 Sec. 9. Section 2C.8, Code 2013, is amended to read as
4 follows:

5 **2C.8 Closed files.**

6 The ~~citizens'~~aide ombudsman may maintain secrecy in respect
7 to all matters including the identities of the complainants or
8 witnesses coming before the ~~citizens'~~aide ombudsman, except
9 that the general assembly, any standing committee of the
10 general assembly or the governor may require disclosure of any
11 matter and shall have complete access to the records and files
12 of the ~~citizens'~~aide ombudsman. The ~~citizens'~~aide ombudsman
13 may conduct private hearings.

14 Sec. 10. Section 2C.9, Code 2013, is amended to read as
15 follows:

16 **2C.9 Powers.**

17 The ~~citizens'~~aide ombudsman may:

18 1. Investigate, on complaint or on the ~~citizens'~~aide's
19 ombudsman's own motion, any administrative action of any
20 agency, without regard to the finality of the administrative
21 action, except that the ~~citizens'~~aide ombudsman shall not
22 investigate the complaint of an employee of an agency in regard
23 to that employee's employment relationship with the agency
24 except as otherwise provided by this chapter. A communication
25 or receipt of information made pursuant to the powers
26 prescribed in this chapter shall not be considered an ex parte
27 communication as described in the provisions of section 17A.17.

28 2. Investigate, on complaint or on the ~~citizens'~~aide's
29 ombudsman's own motion, any administrative action of any person
30 providing child welfare or juvenile justice services under
31 contract with an agency that is subject to investigation by the
32 ~~citizens'~~aide ombudsman. The person shall be considered to
33 be an agency for purposes of the ~~citizens'~~aide's ombudsman's
34 investigation.

35 3. Prescribe the methods by which complaints are to be made,

LSB 1287SV (1) 85

-4-

jr/sc

4/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. 153

1 received, and acted upon; determine the scope and manner of
2 investigations to be made; and, subject to the requirements of
3 this chapter, determine the form, frequency, and distribution
4 of the conclusions and recommendations of the ~~citizens' aide~~
5 ombudsman.

6 4. Request and receive from each agency assistance and
7 information as necessary in the performance of the duties of
8 the office. Notwithstanding section 22.7, pursuant to an
9 investigation the ~~citizens' aide~~ ombudsman may examine any and
10 all records and documents of any agency unless its custodian
11 demonstrates that the examination would violate federal
12 law or result in the denial of federal funds to the agency.
13 Confidential documents provided to the ~~citizens' aide~~ ombudsman
14 by other agencies shall continue to maintain their confidential
15 status. The ~~citizens' aide~~ ombudsman is subject to the same
16 policies and penalties regarding the confidentiality of the
17 document as an employee of the agency. The ~~citizens' aide~~
18 ombudsman may enter and inspect premises within any agency's
19 control and may observe proceedings and attend hearings, with
20 the consent of the interested party, including those held under
21 a provision of confidentiality, conducted by any agency unless
22 the agency demonstrates that the attendance or observation
23 would violate federal law or result in the denial of federal
24 funds to that agency. This subsection does not permit the
25 examination of records or access to hearings and proceedings
26 which are the work product of an attorney under section 22.7,
27 subsection 4, or which are privileged communications under
28 section 622.10.

29 5. Issue a subpoena to compel any person to appear, give
30 sworn testimony, or produce documentary or other evidence
31 relevant to a matter under inquiry. The ~~citizens' aide~~
32 ombudsman, deputies, and assistants of the ~~citizens' aide~~
33 ombudsman may administer oaths to persons giving testimony
34 before them. If a witness either fails or refuses to obey
35 a subpoena issued by the ~~citizens' aide~~ ombudsman, the

LSB 1287SV (1) 85

-5-

jr/sc

5/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. 153

1 ~~citizens' aide~~ ombudsman may petition the district court having
2 jurisdiction for an order directing obedience to the subpoena.
3 If the court finds that the subpoena should be obeyed, it shall
4 enter an order requiring obedience to the subpoena, and refusal
5 to obey the court order is subject to punishment for contempt.

6 6. Establish rules relating to the operation, organization,
7 and procedure of the office of the ~~citizens' aide~~ ombudsman.
8 The rules are exempt from chapter 17A and shall be published in
9 the Iowa administrative code.

10 Sec. 11. Section 2C.10, Code 2013, is amended to read as
11 follows:

12 **2C.10 No charge for services.**

13 ~~No~~ A monetary charge or other charge shall not be levied upon
14 any person as a prerequisite to presentation of a complaint to
15 the ~~citizens' aide~~ ombudsman.

16 Sec. 12. Section 2C.11, Code 2013, is amended to read as
17 follows:

18 **2C.11 Subjects for investigations.**

19 1. An appropriate subject for investigation by the office of
20 the ~~citizens' aide~~ ombudsman is an administrative action that
21 might be:

22 a. Contrary to law or regulation.

23 b. Unreasonable, unfair, oppressive, or inconsistent with
24 the general course of an agency's functioning, even though in
25 accordance with law.

26 c. Based on a mistake of law or arbitrary in ascertainties
27 of fact.

28 d. Based on improper motivation or irrelevant consideration.

29 e. Unaccompanied by an adequate statement of reasons.

30 2. The ~~citizens' aide~~ ombudsman may also be concerned with
31 strengthening procedures and practices which lessen the risk
32 that objectionable administrative actions will occur.

33 Sec. 13. Section 2C.11A, Code 2013, is amended to read as
34 follows:

35 **2C.11A Subjects for investigations — disclosures of**

LSB 1287SV (1) 85

-6-

jr/sc

6/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. 153

1 information.

2 The office of ~~citizens'~~ombudsman shall investigate
3 a complaint filed by an employee who is not a merit system
4 employee or an employee covered by a collective bargaining
5 agreement and who alleges that adverse employment action has
6 been taken against the employee in violation of section 70A.28,
7 subsection 2. A complaint filed pursuant to this section shall
8 be made within thirty calendar days following the effective
9 date of the adverse employment action. The ~~citizens'~~ombudsman
10 shall investigate the matter and shall issue findings
11 relative to the complaint in an expeditious manner.

12 Sec. 14. Section 2C.12, Code 2013, is amended to read as
13 follows:

14 **2C.12 Complaints investigated.**

15 1. The ~~citizens'~~ombudsman may receive a complaint from
16 any source concerning an administrative action. The ~~citizens'~~
17 ombudsman shall conduct a suitable investigation into the
18 administrative actions complained of unless the ~~citizens'~~ombudsman
19 finds substantiating facts that:

20 a. The complainant has available another remedy or channel
21 of complaint which the complainant could reasonably be expected
22 to use.

23 b. The grievance pertains to a matter outside the ~~citizens'~~
24 ombudsman's power.

25 c. The complainant has no substantive or procedural interest
26 which is directly affected by the matter complained about.

27 d. The complaint is trivial, frivolous, vexatious, or not
28 made in good faith.

29 e. Other complaints are more worthy of attention.

30 f. The ~~citizens'~~ombudsman's resources are insufficient
31 for adequate investigation.

32 g. The complaint has been delayed too long to justify
33 present examination of its merit.

34 2. The ~~citizens'~~ombudsman may decline to investigate
35 a complaint, but shall not be prohibited from inquiring into

LSB 1287SV (1) 85

-7-

jr/sc

7/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. 153

1 the matter complained about or into related problems at some
2 future time.

3 Sec. 15. Section 2C.13, Code 2013, is amended to read as
4 follows:

5 **2C.13 No investigation — notice to complainant.**

6 If the ~~citizens'~~aide ombudsman decides not to investigate,
7 the complainant shall be informed of the reasons for
8 the decision. If the ~~citizens'~~aide ombudsman decides
9 to investigate, the complainant and the agency shall be
10 notified of the decision. After completing consideration
11 of a complaint, whether or not it has been investigated,
12 the ~~citizens'~~aide ombudsman shall without delay inform the
13 complainant of the fact, and if appropriate, shall inform the
14 agency involved. The ~~citizens'~~aide ombudsman shall on request
15 of the complainant, and as appropriate, report the status of
16 the investigation to the complainant.

17 Sec. 16. Section 2C.14, Code 2013, is amended to read as
18 follows:

19 **2C.14 Institutionalized complainants.**

20 A letter to the ~~citizens'~~aide ombudsman from a person in
21 a correctional institution, a hospital, or other institution
22 under the control of an agency shall be immediately forwarded,
23 unopened, to the ~~citizens'~~aide ombudsman by the institution
24 where the writer of the letter is a resident. A letter from the
25 ~~citizens'~~aide ombudsman to such a person shall be immediately
26 delivered, unopened, to the person.

27 Sec. 17. Section 2C.15, Code 2013, is amended to read as
28 follows:

29 **2C.15 Reports critical of agency or officer.**

30 Before announcing a conclusion or recommendation that
31 criticizes an agency or any officer or employee, the ~~citizens'~~
32 aide ombudsman shall consult with that agency, officer, or
33 employee, and shall attach to every report sent or made under
34 the provisions of this chapter a copy of any unedited comments
35 made by or on behalf of the officer, employee, or agency.

LSB 1287SV (1) 85

-8-

jr/sc

8/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. 153

1 Sec. 18. Section 2C.16, Code 2013, is amended to read as
2 follows:

3 **2C.16 Recommendations to agency.**

4 1. The ~~citizens' aide~~ ombudsman shall state recommendations
5 to an agency, if, after having considered a complaint and
6 whatever material the ~~citizens' aide~~ ombudsman deems pertinent,
7 the ~~citizens' aide~~ ombudsman finds substantiating facts for any
8 of the following:

9 a. A matter should be further considered by the agency.

10 b. An administrative action should be modified or canceled.

11 c. A rule on which an administrative action is based should
12 be altered.

13 d. Reasons should be given for an administrative action.

14 e. Any other action should be taken by the agency.

15 2. If the ~~citizens' aide~~ ombudsman requests, the agency
16 shall, within twenty working days notify the ~~citizens' aide~~
17 ombudsman of any action taken on the recommendations or the
18 reasons for not complying with them.

19 3. If the ~~citizens' aide~~ ombudsman believes that an
20 administrative action has occurred because of laws of which
21 results are unfair or otherwise objectionable, the ~~citizens'~~
22 ~~aide~~ ombudsman shall notify the general assembly concerning
23 desirable statutory change.

24 Sec. 19. Section 2C.17, Code 2013, is amended to read as
25 follows:

26 **2C.17 Publication of conclusions.**

27 1. The ~~citizens' aide~~ ombudsman may publish the
28 conclusions, recommendations, and suggestions and transmit
29 them to the governor or the general assembly or any of its
30 committees. When publishing an opinion adverse to an agency or
31 official the ~~citizens' aide~~ ombudsman shall, unless excused by
32 the agency or official affected, include with the opinion any
33 unedited reply made by the agency.

34 2. Any conclusions, recommendations, and suggestions so
35 published may at the same time be made available to the news

LSB 1287SV (1) 85

-9-

jr/sc

9/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. 153

1 media or others who may be concerned.

2 Sec. 20. Section 2C.18, Code 2013, is amended to read as
3 follows:

4 **2C.18 Report to general assembly.**

5 The ~~citizens'~~ aide ombudsman shall by April 1 of each year
6 submit an economically designed and reproduced report to the
7 general assembly and to the governor concerning the exercise
8 of the ~~citizens'~~ aide ombudsman functions during the preceding
9 calendar year. In discussing matters with which the ~~citizens'~~
10 aide ombudsman has been concerned, the ~~citizens'~~ aide ombudsman
11 shall not identify specific persons if to do so would cause
12 needless hardship. If the annual report criticizes a named
13 agency or official, it shall also include unedited replies made
14 by the agency or official to the criticism, unless excused by
15 the agency or official affected.

16 Sec. 21. Section 2C.19, Code 2013, is amended to read as
17 follows:

18 **2C.19 Disciplinary action recommended.**

19 If the ~~citizens'~~ aide ombudsman believes that any public
20 official, employee or other person has acted in a manner
21 warranting criminal or disciplinary proceedings, the ~~citizens'~~
22 aide ombudsman shall refer the matter to the appropriate
23 authorities.

24 Sec. 22. Section 2C.20, Code 2013, is amended to read as
25 follows:

26 **2C.20 Immunities.**

27 No civil action, except removal from office as provided
28 in chapter 66, or proceeding shall be commenced against the
29 ~~citizens'~~ aide ombudsman or any member of the staff for any
30 act or omission performed pursuant to the provisions of this
31 chapter unless the act or omission is actuated by malice or
32 is grossly negligent, nor shall the ~~citizens'~~ aide ombudsman
33 or any member of the staff be compelled to testify in any
34 court with respect to any matter involving the exercise of the
35 ~~citizens'~~ aide's ombudsman's official duties except as may be

LSB 1287SV (1) 85

-10-

jr/sc

10/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. 153

1 necessary to enforce the provisions of this chapter.

2 Sec. 23. Section 2C.21, Code 2013, is amended to read as
3 follows:

4 **2C.21 Witnesses.**

5 A person required by the ~~citizens'~~aide ombudsman to provide
6 information shall be paid the same fees and travel allowances
7 as are extended to witnesses whose attendance has been required
8 in the district courts of this state. Officers and employees
9 of an agency shall not be entitled to such fees and allowances.
10 A person who, with or without service of compulsory process,
11 provides oral or documentary information requested by the
12 ~~citizens'~~aide ombudsman shall be accorded the same privileges
13 and immunities as are extended to witnesses in the courts of
14 this state, and shall also be entitled to be accompanied and
15 advised by counsel while being questioned.

16 Sec. 24. Section 2C.22, Code 2013, is amended to read as
17 follows:

18 **2C.22 Penalties.**

19 A person who willfully obstructs or hinders the lawful
20 actions of the ~~citizens'~~aide ombudsman or the ~~citizens'~~aide's
21 ombudsman's staff, or who willfully misleads or attempts to
22 mislead the ~~citizens'~~aide ombudsman in the ~~citizens'~~aide's
23 ombudsman's inquiries, shall be guilty of a simple misdemeanor.

24 Sec. 25. Section 2C.23, Code 2013, is amended to read as
25 follows:

26 **2C.23 Citation.**

27 This chapter shall be known and may be cited as the "*Iowa*
28 *~~Citizens' Aide~~ Ombudsman Act*".

29 Sec. 26. Section 8F.3, subsection 1, paragraph d, Code 2013,
30 is amended to read as follows:

31 *d.* Information regarding any policies adopted by the
32 governing body of the recipient entity that prohibit taking
33 adverse employment action against employees of the recipient
34 entity who disclose information about a service contract to
35 the oversight agency, the auditor of state, the office of the

LSB 1287SV (1) 85

-11-

jr/sc

11/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. 153

1 attorney general, or the office of ~~citizens'~~aide ombudsman and
2 that state whether those policies are substantially similar
3 to the protection provided to state employees under section
4 70A.28. The information provided shall state whether employees
5 of the recipient entity are informed on a regular basis of
6 their rights to disclose information to the oversight agency,
7 the office of ~~citizens'~~aide ombudsman, the auditor of state,
8 or the office of the attorney general and the telephone numbers
9 of those organizations.

10 Sec. 27. Section 23A.4, Code 2013, is amended to read as
11 follows:

12 **23A.4 Relief for aggrieved persons.**

13 1. Any aggrieved person may, after pursuing remedies
14 offered by chapter 17A, seek injunctive relief for violations
15 of this chapter by filing an action in the district court for
16 the county in which the aggrieved business is located.

17 2. A state agency or political subdivision found to be in
18 violation of this chapter shall be assessed and shall pay to
19 the aggrieved person fees and other expenses, as defined in
20 section 625.28.

21 3. Chapter 17A and this section are the exclusive remedy
22 for violations of this chapter. However, the office of the
23 ~~citizens'~~aide ombudsman may review violations of this chapter
24 and make recommendations as provided in chapter 2C.

25 Sec. 28. Section 70A.28, subsections 2, 6, and 8, Code 2013,
26 are amended to read as follows:

27 2. A person shall not discharge an employee from or take
28 or fail to take action regarding an employee's appointment or
29 proposed appointment to, promotion or proposed promotion to,
30 or any advantage in, a position in a state employment system
31 administered by, or subject to approval of, a state agency as a
32 reprisal for a failure by that employee to inform the person
33 that the employee made a disclosure of information permitted
34 by this section, or for a disclosure of any information by
35 that employee to a member or employee of the general assembly,

LSB 1287SV (1) 85

-12-

jr/sc

12/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. 153

1 a disclosure of information to the office of ~~citizens' aide~~
2 ombudsman, or a disclosure of information to any other public
3 official or law enforcement agency if the employee reasonably
4 believes the information evidences a violation of law or rule,
5 mismanagement, a gross abuse of funds, an abuse of authority,
6 or a substantial and specific danger to public health or
7 safety. However, an employee may be required to inform the
8 person that the employee made a disclosure of information
9 permitted by this section if the employee represented that
10 the disclosure was the official position of the employee's
11 immediate supervisor or employer.

12 6. Subsection 2 may also be enforced by an employee through
13 an administrative action pursuant to the requirements of this
14 subsection if the employee is not a merit system employee or
15 an employee covered by a collective bargaining agreement. An
16 employee eligible to pursue an administrative action pursuant
17 to this subsection who is discharged, suspended, demoted,
18 or otherwise receives a reduction in pay and who believes
19 the adverse employment action was taken as a result of the
20 employee's disclosure of information that was authorized
21 pursuant to subsection 2, may file an appeal of the adverse
22 employment action with the public employment relations
23 board within thirty calendar days following the later of the
24 effective date of the action or the date a finding is issued
25 to the employee by the office of the ~~citizens' aide~~ ombudsman
26 pursuant to section 2C.11A. The findings issued by the
27 ~~citizens' aide~~ ombudsman may be introduced as evidence before
28 the public employment relations board. The employee has the
29 right to a hearing closed to the public, but may request a
30 public hearing. The hearing shall otherwise be conducted in
31 accordance with the rules of the public employment relations
32 board and the Iowa administrative procedure Act, chapter 17A.
33 If the public employment relations board finds that the action
34 taken in regard to the employee was in violation of subsection
35 2, the employee may be reinstated without loss of pay or

LSB 1287SV (1) 85

-13-

jr/sc

13/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. 153

1 benefits for the elapsed period, or the public employment
2 relations board may provide other appropriate remedies.
3 Decisions by the public employment relations board constitute
4 final agency action.

5 8. The director of the department of administrative
6 services or, for employees of the general assembly or of the
7 state board of regents, the legislative council or the state
8 board of regents, respectively, shall provide procedures for
9 notifying new state employees of the provisions of this section
10 and shall periodically conduct promotional campaigns to provide
11 similar information to state employees. The information shall
12 include the toll-free telephone number of the ~~citizens' aide~~
13 ombudsman.

14 Sec. 29. Section 217.3A, subsection 3, paragraph a,
15 subparagraph (1), Code 2013, is amended to read as follows:

16 (1) Members of the advisory committee shall include at least
17 one district judge and representatives of custodial parent
18 groups, noncustodial parent groups, the general assembly,
19 the office of ~~citizens' aide~~ ombudsman, the Iowa state bar
20 association, the Iowa county attorneys association, and
21 other constituencies which have an interest in child support
22 enforcement issues, appointed by the respective entity.

23 Sec. 30. Section 236.16, subsection 1, paragraph c, Code
24 2013, is amended to read as follows:

25 c. Designate and award moneys for publicizing and staffing
26 a statewide, toll-free telephone hotline for use by victims
27 of domestic abuse. The department may award a grant to a
28 public agency or a private, nonprofit organization for the
29 purpose of operating the hotline. The operation of the
30 hotline shall include informing victims of their rights and
31 of various community services that are available, referring
32 victims to service providers, receiving complaints concerning
33 misconduct by peace officers and encouraging victims to refer
34 such complaints to the office of ~~citizens' aide~~ ombudsman,
35 providing counseling services to victims over the telephone,

LSB 1287SV (1) 85

-14-

jr/sc

14/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. 153

1 and providing domestic abuse victim advocacy.

2 EXPLANATION

3 This bill changes the title of the office of citizens' aide
4 to the office of ombudsman. The office is established in Code
5 chapter 2C.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

Senate File 154 - Introduced

SENATE FILE 154

BY ZAUN, CHELGREN, CHAPMAN,
JOHNSON, HOUSER, BEHN,
FEENSTRA, and ROZENBOOM

A BILL FOR

1 An Act providing for an annual transfer of revenue from the
2 general fund of the state to the road use tax fund.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1954XS (3) 85
dea/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. 154

1 Section 1. Section 312.1, subsection 1, Code 2013, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. *0e.* Revenue transferred from the general
4 fund of the state pursuant to section 312.10.
5 Sec. 2. NEW SECTION. 312.10 **Transfer from general fund of**
6 **the state.**
7 The treasurer of state shall transfer annually, from the
8 general fund of the state to the road use tax fund created in
9 section 312.1, the amount equal to one percent of the adjusted
10 revenue estimate, as provided in section 8.54, subsection 1,
11 paragraph "a", calculated for that fiscal year.

12 EXPLANATION

13 This bill provides for an annual transfer of revenue from the
14 general fund of the state to the road use tax fund. The amount
15 of the transfer shall be the amount equal to 1 percent of the
16 adjusted revenue estimate for the general fund calculated for
17 the year in which the transfer is made.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

Senate File 155 - Introduced

SENATE FILE 155
BY ZAUN

A BILL FOR

1 An Act relating to the compensation of vendors of automated
2 traffic law enforcement systems used by a city or county.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1911XS (3) 85
dea/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. 155

1 Section 1. Section 331.307, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 14. *a.* Civil fines collected by a county
4 from the use of an automated traffic law enforcement system
5 shall be allocated as follows:

6 (1) Not more than five percent of the amount collected shall
7 be paid to the vendor with whom the county has a contract for
8 the use of the automated traffic law enforcement system.

9 (2) The amount in excess of the amount paid under
10 subparagraph (1) shall be retained by the county.

11 *b.* For purposes of this subsection, "*automated traffic law*
12 *enforcement system*" means a device with one or more sensors
13 working in conjunction with a traffic control signal or device
14 or a speed-measuring device to produce recorded images of
15 vehicles being operated in violation of traffic or speed laws.

16 Sec. 2. Section 364.3, subsection 2, Code 2013, is amended
17 to read as follows:

18 2. For a violation of an ordinance, a city shall not
19 provide a penalty in excess of the maximum fine and term of
20 imprisonment for a simple misdemeanor under section 903.1,
21 subsection 1, paragraph "a". ~~An~~ Except as otherwise provided
22 in this section, an amount equal to ten percent of all
23 fines collected by cities shall be deposited in the account
24 established in section 602.8108. ~~However, one~~

25 a. One hundred percent of all fines collected by a city
26 pursuant to section 321.236, subsection 1, shall be retained
27 by the city.

28 b. (1) Civil fines collected by a city from the use of an
29 automated traffic law enforcement system shall be allocated as
30 follows:

31 (a) Not more than five percent of the amount collected shall
32 be paid to the vendor with whom the city has a contract for the
33 use of the automated traffic law enforcement system.

34 (b) The amount in excess of the amount paid under
35 subparagraph division (a) shall be retained by the city.

LSB 1911XS (3) 85
dea/nh

-1-

1/2

**Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013**

S.F. 155

1 (2) For purposes of this paragraph "b", "automated traffic
2 law enforcement system" means a device with one or more sensors
3 working in conjunction with a traffic control signal or device
4 or a speed-measuring device to produce recorded images of
5 vehicles being operated in violation of traffic or speed laws.
6 c. The criminal penalty surcharge required by section 911.1
7 shall be added to a city fine and is not a part of the city's
8 penalty.

EXPLANATION

10 This bill directs that, from the civil fines collected
11 by a city or county from the use of automated traffic law
12 enforcement systems, not more than 5 percent shall be paid to
13 the vendor of the automated traffic law enforcement system.
14 The remaining amount is to be retained by the city or county.
15 The bill defines "automated traffic law enforcement system"
16 as a device working in conjunction with a traffic control
17 signal or device or a speed-measuring device to produce
18 recorded images of vehicles being operated in violation of
19 traffic or speed laws.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

Senate File 156 - Introduced

SENATE FILE 156
BY HOGG

A BILL FOR

1 An Act establishing an alternative supplementary weighting plan
2 for at-risk pupils and including applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1107SS (1) 85
md/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. 156

1 Section 1. Section 257.11, subsection 4, paragraph b, Code
2 2013, is amended by striking the paragraph and inserting in
3 lieu thereof the following:

4 b. In lieu of the supplementary weighting authorized under
5 this subsection, a school district may receive a supplementary
6 weighting amount under the alternative plan under subsection 4A
7 if the school district meets all the requirements of subsection
8 4A.

9 Sec. 2. Section 257.11, subsection 4, paragraph c, Code
10 2013, is amended by striking the paragraph.

11 Sec. 3. Section 257.11, Code 2013, is amended by adding the
12 following new subsection:

13 NEW SUBSECTION. 4A. *At-risk programs and alternative schools*
14 *— alternative weighting.*

15 a. In order to provide additional funding to school
16 districts to further the goal of overcoming the achievement gap
17 and for programs serving at-risk pupils and alternative school
18 pupils in secondary schools, and in lieu of the supplementary
19 weighting plan under subsection 4, an alternative supplementary
20 weighting plan for at-risk pupils is adopted. A supplementary
21 weighting of ninety-six ten-thousandths per pupil shall be
22 assigned to the percentage of pupils in a school district
23 enrolled in grades one through six, as reported by the school
24 district on the basic educational data survey for the base
25 year, who are eligible for free and reduced price meals under
26 the federal National School Lunch Act and the federal Child
27 Nutrition Act of 1966, 42 U.S.C. § 1751-1785, multiplied by the
28 budget enrollment in the school district; and a supplementary
29 weighting of three hundred twelve one-hundred-thousandths
30 per pupil shall be assigned to pupils included in the budget
31 enrollment of the school district. Amounts received as
32 supplementary weighting for at-risk pupils shall be utilized by
33 a school district, according to the requirements of paragraph
34 "b", to develop or maintain at-risk pupils' programs, which may
35 include alternative school programs.

LSB 1107SS (1) 85

-1-

md/sc

1/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. 156

1 *b.* To be eligible for the supplementary weighting plan
2 under paragraph “*a*”, a school district shall satisfy all of the
3 following conditions:

4 (1) Designate a school district employee as an at-risk pupil
5 coordinator.

6 (2) Establish an at-risk pupil task force whose membership
7 shall consist, at a minimum, of a school counselor, a parent
8 of a low-income student, a teacher, a representative of the
9 area education agency, the school district’s superintendent,
10 a representative of a local social service agency, a
11 representative of a community corrections or juvenile justice
12 agency, a representative of a community college or other
13 institution of higher education, a member of the board of
14 directors of the school district, and the at-risk pupil
15 coordinator. The at-risk pupil task force shall evaluate
16 the school district’s programs and plans for at-risk pupils
17 and make recommendations for changes to such programs and
18 plans to comply with requirements and standards adopted by
19 the department and to further the goal of overcoming the
20 achievement gap.

21 (3) Meet the standards established by the department for
22 mentoring or tutoring at-risk students, before and after school
23 programs and summer programs for at-risk students, parenting
24 skills programs for parents of at-risk students, services for
25 dropouts and dropout prevention, and academic achievement for
26 at-risk students.

27 (4) Submit an application to the department by March 1 of
28 the preceding school year for supplementary weighting under
29 this subsection on forms prescribed by the department or submit
30 an annual report to the department by March 1 of the preceding
31 school year specifying the use of the amounts received as
32 the result of the supplementary weighting plan under this
33 subsection and specifying that all other requirements of this
34 subsection are being met.

35 *c.* The department of education shall adopt rules under



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. 156

1 chapter 17A necessary to implement this subsection, including
2 rules that prescribe the standards for school district at-risk
3 programs and services, application forms, and forms necessary
4 to complete the annual reports required under paragraph "b",
5 subparagraph (4).

6 Sec. 4. APPLICABILITY. This Act applies to school budget
7 years beginning on or after July 1, 2014.

8 EXPLANATION

9 This bill establishes an alternative supplementary weighting
10 plan for at-risk programs and alternative schools. Under
11 the bill, a school district would receive supplementary
12 weighting in amounts that are double the specified amount
13 of supplementary weighting provided under the existing
14 supplementary weighting plan for at-risk programs and
15 alternative schools, under Code section 257.11, subsection 4,
16 paragraph "a".

17 To be eligible for the alternative supplementary weighting
18 plan, a school district shall designate an at-risk pupil
19 coordinator, establish an at-risk pupil task force consisting
20 of specified individuals, and meet all standards and
21 requirements established by the department of education
22 for programs and services for mentoring or tutoring at-risk
23 students, before and after school and summer programs for
24 at-risk students, parenting skills programs for parents of
25 at-risk students, services for dropouts and dropout prevention,
26 and academic achievement for at-risk students.

27 Under the bill, school districts must apply to the
28 department of education by March 1 of the preceding school year
29 for the alternative supplementary weighting provided under
30 the bill. The bill also requires each school district that
31 receives supplementary weighting under the new supplementary
32 weighting plan to submit an annual report to the department
33 of education detailing the use of the amounts received. The
34 bill requires the department of education to adopt rules under
35 Code chapter 17A necessary to implement the bill, including



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. 156

1 rules that prescribe the standards for school district at-risk
2 programs and services, the standards for academic achievement
3 for at-risk students, and the forms necessary for applications
4 and to complete the annual reports.

5 The bill strikes obsolete language from Code section 257.11,
6 subsection 4, relating to supplementary weighting for at-risk
7 programs and alternative schools.

8 The bill applies to school budget years beginning on or after
9 July 1, 2014.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

Senate File 157 - Introduced

SENATE FILE 157
BY BOLKCOM, DOTZLER, DVORSKY,
and McCOY

A BILL FOR

1 An Act relating to the operation of bicycles on a highway and
2 to motorists overtaking and passing a bicycle, implement of
3 husbandry, or slow-moving vehicle on a highway, and making
4 penalties applicable.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1835XS (4) 85
dea/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. 157

1 Section 1. Section 321.299, subsection 1, Code 2013, is
2 amended to read as follows:

3 1. a. The driver of a vehicle overtaking another vehicle
4 proceeding in the same direction shall pass to the left of the
5 other vehicle at a safe distance and shall not again drive
6 to the right side of the roadway until safely clear of the
7 overtaken vehicle.

8 b. The driver of a vehicle overtaking a bicycle proceeding
9 in the same direction shall use an adjacent travel lane to the
10 left of the lane in which the bicycle is traveling to pass and
11 shall maintain a distance of not less than three feet between
12 the right side of the driver's vehicle, including all mirrors
13 and other projections, and the left side of the bicycle. This
14 paragraph does not apply to persons driving an implement of
15 husbandry.

16 Sec. 2. Section 321.304, Code 2013, is amended to read as
17 follows:

18 **321.304 Prohibited passing.**

19 1. No vehicle shall, in overtaking and passing another
20 vehicle or at any other time, be driven to the left side of the
21 roadway under the following conditions:

22 ~~1-~~ a. When approaching the crest of a grade or upon a curve
23 in the highway where the driver's view along the highway is
24 obstructed for a distance of approximately seven hundred feet.

25 ~~2-~~ b. When approaching within one hundred feet of any
26 narrow bridge, viaduct, or tunnel, when so signposted, or
27 when approaching within one hundred feet of or traversing any
28 intersection or railroad grade crossing.

29 ~~3-~~ c. Where official signs are in place directing that
30 traffic keep to the right or a distinctive center line or
31 off-center line is marked, which distinctive line also so
32 directs traffic as declared in the sign manual adopted by the
33 department of transportation.

34 2. Subsection 1 does not apply to a vehicle passing a
35 bicyclist or implement of husbandry, or passing a slow-moving



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. 157

1 vehicle displaying a reflective device or alternative
2 reflective device as provided by section 321.383, when the
3 movement can be made safely and without interfering with,
4 impeding, or endangering other traffic.

5 Sec. 3. Section 321.385A, Code 2013, is amended to read as
6 follows:

7 **321.385A Citation for unlighted headlamp, rear lamp or**
8 **reflector, or rear registration plate light.**

9 1. a. A citation issued for failure to have one or more
10 headlamps as required under section 321.385 or 321.397 shall
11 first provide for a seventy-two hour period within which the
12 person charged with the violation shall replace or repair the
13 headlamp.

14 b. A citation issued for failure to have rear lamps as
15 required under section 321.387, a rear lamp or reflector as
16 required under section 321.397, or a rear registration plate
17 light as required under section 321.388 shall first provide
18 for a seventy-two hour period within which the person charged
19 with the violation shall replace or repair the ~~lamps~~ lamp,
20 reflector, or light.

21 2. If the person complies with the directive to replace
22 or repair the headlamp, rear ~~lamps~~ lamp, reflector, or rear
23 registration plate light within the allotted time period,
24 the citation shall be expunged. If the person fails to
25 comply within the allotted time period, the citation shall be
26 processed in the same manner as other citations.

27 3. A citation issued under this section shall include a
28 written notice of replacement or repair which shall indicate
29 the date of replacement or repair and the manner in which the
30 replacement or repair occurred and which shall be returned to
31 the issuing authority within the seventy-two hour time period.

32 Sec. 4. Section 805.8A, subsection 6, paragraph i, Code
33 2013, is amended to read as follows:

34 i. Section 321.304, ~~subsections 1~~
35 ~~and 2~~ subsection 1, paragraphs "a" and

LSB 1835XS (4) 85
dea/nh

2/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. 157

1 “b”.....\$100.

2 Sec. 5. Section 805.8A, subsection 8, paragraph d, Code
3 2013, is amended to read as follows:

4 d. Section 321.304, subsection 3 1,
5 paragraph “c”.....\$100.

6 EXPLANATION

7 This bill contains provisions relating to bicycles ridden
8 on a highway and to vehicles passing bicycles and certain slow
9 vehicles.

10 The bill amends Code section 321.299 to require the driver
11 of a vehicle overtaking a bicycle proceeding in the same
12 direction to use an adjacent travel lane to the left of the
13 bicyclist to pass and to maintain a distance of not less than
14 three feet between the right side of the driver's vehicle,
15 including all mirrors and other projections, and the left side
16 of the bicyclist. The requirement does not apply to a person
17 driving an implement of husbandry. Pursuant to current law,
18 a violation of Code section 321.299 is a simple misdemeanor
19 punishable by a scheduled fine of \$100. In addition, if the
20 violation causes serious injury to another person, the court
21 may impose an additional fine of \$500 or driver's license
22 suspension for up to 90 days, or both. If the violation
23 results in an accident causing a death, the court may impose an
24 additional fine of \$1,000 or driver's license suspension for
25 up to 180 days, or both.

26 Code section 321.304 currently prohibits the driver of
27 a vehicle from overtaking and passing another vehicle or
28 otherwise driving on the left side of the roadway under the
29 following conditions: when approaching the crest of a grade
30 or on a curve where the driver's view is obstructed for a
31 distance of approximately 700 feet; when approaching within 100
32 feet of a sign-posted narrow bridge, viaduct, or tunnel; when
33 approaching within 100 feet of or traversing an intersection
34 or railroad grade crossing; and where official signs or
35 line-markings direct that traffic keep to the right. The bill

LSB 1835XS (4) 85
dea/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. 157

1 provides an exception to the limitations on driving on the
2 left side of the roadway for a vehicle passing a bicyclist
3 or implement of husbandry, or passing a slow-moving vehicle
4 displaying a proper reflective device, when the movement
5 can be made safely and without interfering with, impeding,
6 or endangering other traffic. Pursuant to current law, a
7 violation of Code section 321.304 is a simple misdemeanor
8 punishable by a scheduled fine of \$100. In addition, if the
9 violation causes serious injury to another person, the court
10 may impose an additional fine of \$500 or driver's license
11 suspension for up to 90 days, or both. If the violation
12 results in an accident causing a death, the court may impose an
13 additional fine of \$1,000 or driver's license suspension for
14 up to 180 days, or both.

15 Under current law, when a citation is issued to the driver
16 of a vehicle for failure to have headlamps, rear lamps, or a
17 rear registration plate light, the citation includes a notice
18 of replacement or repair to be completed and returned to the
19 issuing authority within 72 hours. If the person complies
20 with the directive within 72 hours, the citation is expunged.
21 The bill amends Code section 321.385A to provide that if a
22 person is issued a citation for failure to have a bicycle
23 headlamp, rear light, or rear reflector, the person shall
24 receive the same type of citation providing a 72-hour period
25 within which to make the required replacement or repair and
26 have the citation expunged. The penalty for violation of
27 bicycle lighting requirements is not changed under the bill. A
28 violation is currently punishable by a scheduled fine of \$25.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

Senate File 158 - Introduced

SENATE FILE 158
BY MATHIS

A BILL FOR

1 An Act relating to the annual aggregate tax credit
2 authorization limit for the endow Iowa tax credit and
3 including effective date and retroactive applicability
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1530SS (2) 85
mm/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. 158

1 Section 1. Section 15E.305, subsection 2, unnumbered
2 paragraph 1, Code 2013, is amended to read as follows:
3 The aggregate amount of tax credits authorized pursuant to
4 this section shall not exceed a total of ~~three~~ four million
5 ~~five hundred thousand~~ dollars plus such additional credit
6 amount as provided by this section annually. The maximum
7 amount of tax credits granted to a taxpayer shall not exceed
8 five percent of the aggregate amount of tax credits authorized.
9 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
10 immediate importance, takes effect upon enactment.
11 Sec. 3. RETROACTIVE APPLICABILITY. This Act applies
12 retroactively to January 1, 2013, for endow Iowa tax credits
13 authorized on or after that date.

14 EXPLANATION

15 This bill increases the annual tax credit authorization
16 limit for the endow Iowa tax credit. Under current law,
17 the aggregate amount of endow Iowa tax credits that may
18 be authorized annually shall not exceed an amount equal to
19 \$3.5 million plus a certain amount of wagering tax receipts
20 collected pursuant to Code section 99F.11. This bill increases
21 from \$3.5 million to \$4 million the aggregate amount of endow
22 Iowa tax credits that may be authorized, in addition to the
23 certain amount of wagering tax receipts as provided by law.
24 The bill takes effect upon enactment and applies
25 retroactively to January 1, 2013, for endow Iowa tax credits
26 authorized on or after that date.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

Senate File 159 - Introduced

SENATE FILE 159

BY HATCH, ZAUN, DOTZLER,
MATHIS, DEARDEN, HORN,
McCOY, PETERSEN, and HOGG

A BILL FOR

1 An Act to maintain a permanent Juneteenth exhibit in the state
2 historical building.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1312XS (2) 85
jr/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. 159

1 Section 1. Section 303.2, subsection 2, Code 2013, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. *m.* Maintain a permanent Juneteenth exhibit
4 on display at the state historical building.

5 EXPLANATION

6 This bill would require a permanent Juneteenth exhibit on
7 display at the state historical building.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

Senate File 160 - Introduced

SENATE FILE 160

BY KAPUCIAN, JOHNSON, ZAUN,
BERTRAND, CHELGREN,
SCHNEIDER, ZUMBACH,
FEENSTRA, and BEHN

A BILL FOR

1 An Act providing certain transfers to the veterans trust fund.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1859XS (4) 85
aw/jp



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. 160

1 Section 1. VETERANS TRUST FUND TRANSFERS — FY 2013-2014
2 THROUGH FY 2016-2017

3 There is transferred from the general fund of the state
4 for the following fiscal years the following amounts, or so
5 much thereof as is necessary, to be used for the purposes
6 designated:

7 To be credited to the veterans trust fund created in section
8 35A.13:

9 FY 2013-2014.....	\$ 7,000,000
10 FY 2014-2015.....	\$ 7,000,000
11 FY 2015-2016.....	\$ 7,000,000
12 FY 2016-2017.....	\$ 7,000,000

13 Sec. 2. VETERANS TRUST FUND TRANSFER — FY 2017-2018

14 There is transferred from the general fund of the state for
15 the fiscal year beginning July 1, 2017, and ending June 30,
16 2018, the following amount, or so much thereof as is necessary,
17 to be used for the purposes designated:

18 To be credited to the veterans trust fund created in section
19 35A.13:

20 An amount sufficient for the balance of the veterans trust
21 fund to reach fifty million dollars as of July 1, 2017.

22 EXPLANATION

23 This bill makes transfers to the veterans trust fund
24 from the general fund of the state. The bill provides for a
25 transfer of \$7 million to the veterans trust fund from the
26 general fund each fiscal year of the period beginning in fiscal
27 year 2013-2014 and ending at the conclusion of fiscal year
28 2016-2017. The bill also provides for a one-time transfer to
29 the veterans trust fund from the general fund in the 2017-2018
30 fiscal year in an amount sufficient for the balance of the
31 veterans trust fund to reach \$50 million as of July 1, 2017.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

Senate File 161 - Introduced

SENATE FILE 161
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 1122)

A BILL FOR

1 An Act establishing the categorical state percent of growth for
2 the school budget year beginning July 1, 2014, and including
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2118SV (3) 85
md/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. 161

1 Section 1. Section 257.8, subsection 2, Code 2013, is
2 amended to read as follows:

3 2. *Categorical state percent of growth.* ~~The categorical~~
4 ~~state percent of growth for the budget year beginning July~~
5 ~~1, 2010, is two percent.~~ The categorical state percent of
6 growth for the budget year beginning July 1, 2012, is two
7 percent. The categorical state percent of growth for the
8 budget year beginning July 1, 2014, is four percent. The
9 categorical state percent of growth for each budget year shall
10 be established by statute which shall be enacted within thirty
11 days of the submission in the year preceding the base year of
12 the governor's budget under section 8.21. The establishment
13 of the categorical state percent of growth for a budget year
14 shall be the only subject matter of the bill which enacts the
15 categorical state percent of growth for a budget year. The
16 categorical state percent of growth may include state percents
17 of growth for the teacher salary supplement, the professional
18 development supplement, and the early intervention supplement.

19 Sec. 2. APPLICABILITY. This Act is applicable for computing
20 state aid under the state school foundation program for the
21 school budget year beginning July 1, 2014.

22 EXPLANATION

23 This bill establishes a categorical state percent of growth
24 of 4 percent for purposes of the state school foundation
25 program for the school budget year beginning July 1, 2014. The
26 categorical state percent of growth includes the teacher salary
27 supplement, the professional development supplement, and the
28 early intervention supplement. The bill is applicable for
29 computing state aid under the state school foundation program
30 for the school budget year beginning July 1, 2014.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

Senate File 162 - Introduced

SENATE FILE 162
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 1123)

A BILL FOR

1 An Act establishing the state percent of growth for the
2 school budget year beginning July 1, 2014, and including
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2119SV (2) 85
md/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. 162

1 Section 1. Section 257.8, subsection 1, Code 2013, is
2 amended to read as follows:

3 1. *State percent of growth.* ~~The state percent of growth~~
4 ~~for the budget year beginning July 1, 2010, is two percent.~~
5 The state percent of growth for the budget year beginning July
6 1, 2012, is two percent. The state percent of growth for the
7 budget year beginning July 1, 2014, is four percent. The state
8 percent of growth for each subsequent budget year shall be
9 established by statute which shall be enacted within thirty
10 days of the submission in the year preceding the base year of
11 the governor's budget under section 8.21. The establishment of
12 the state percent of growth for a budget year shall be the only
13 subject matter of the bill which enacts the state percent of
14 growth for a budget year.

15 Sec. 2. APPLICABILITY. This Act is applicable for computing
16 state aid under the state school foundation program for the
17 school budget year beginning July 1, 2014.

18 EXPLANATION

19 This bill establishes a state percent of growth of 4 percent
20 for purposes of the state school foundation program for
21 the school budget year beginning July 1, 2014. The bill is
22 applicable for state aid computation under the state school
23 foundation program for the school budget year beginning July
24 1, 2014.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

Senate Joint Resolution 3 - Introduced

SENATE JOINT RESOLUTION 3
BY ZAUN

SENATE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa relating to the sessions of the general
3 assembly.
4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1892XS (2) 85
aw/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.J.R. 3

1 Section 1. The following amendment to the Constitution of
2 the State of Iowa is proposed:

3 Section 2 of Article III of the Constitution of the State
4 of Iowa, as amended by amendment number 1 of the Amendments of
5 1968 and by amendment number 2 of the Amendments of 1974, is
6 repealed and the following adopted in lieu thereof:

7 **Biennial sessions of general assembly — special**
8 **sessions.** SEC. 2. The sessions of the general assembly shall
9 be biennial, and shall commence on the second Monday in January
10 next ensuing the election of its members. Upon written request
11 to the presiding officer of each house of the general assembly
12 by two-thirds of the members of each house, the general
13 assembly shall convene in special session. The governor of the
14 state may convene the general assembly by proclamation in the
15 interim.

16 Sec. 2. REFERRAL AND PUBLICATION. The foregoing amendment
17 to the Constitution of the State of Iowa is referred to the
18 general assembly to be chosen at the next general election for
19 members of the general assembly, and the secretary of state is
20 directed to cause the proposed amendment to be published for
21 three consecutive months previous to the date of that election
22 as provided by law.

23 EXPLANATION

24 This joint resolution proposes an amendment to the
25 Constitution of the State of Iowa relating to sessions of
26 the general assembly. The resolution provides for biennial
27 sessions of the general assembly, instead of annual sessions,
28 which shall commence in the year following election of its
29 members.

30 The resolution, if adopted, would be referred to the next
31 general assembly for adoption a second time before being
32 submitted to the electorate for ratification.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

Senate Study Bill 1127 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
HUMAN SERVICES BILL)

A BILL FOR

1 An Act relating to Medicaid program integrity, and providing
2 penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 Section 1. Section 10A.108, subsections 6 and 7, Code 2013,
2 are amended to read as follows:

3 6. The department shall pay, from moneys appropriated to
4 the department for this purpose, recording fees as provided
5 in section 331.604, for the recording of the lien, ~~or for~~
6 ~~satisfaction of the lien.~~

7 7. Upon payment of a debt for which the director has filed
8 notice with a county recorder, the director shall ~~file a~~
9 provide to the debtor a satisfaction of the debt. The debtor
10 shall be responsible for filing the satisfaction of the debt
11 with the recorder and the recorder shall enter the satisfaction
12 on the notice on file in the recorder's office.

13 Sec. 2. Section 249A.2, Code 2013, is amended by adding the
14 following new subsection:

15 NEW SUBSECTION. 8A. "Overpayment" means any funds that
16 a provider receives or retains under the medical assistance
17 program to which the person, after applicable reconciliation,
18 is not entitled. For purposes of repayment, an overpayment may
19 include interest in accordance with section 249A.41.

20 Sec. 3. NEW SECTION. 249A.39 **Reporting of overpayment.**

21 1. A provider who has received an overpayment shall notify
22 in writing, and return the overpayment to, the department,
23 the department's agent, or the department's contractor, as
24 appropriate. The notification shall include the reason for the
25 return of the overpayment.

26 2. Notification and return of an overpayment under this
27 section shall be provided by no later than the earlier of
28 either of the following, as applicable:

29 a. The date which is sixty days after the date on which the
30 overpayment was identified by the provider.

31 b. The date any corresponding cost report is due.

32 3. A violation of this section is a violation of chapter
33 685.

34 Sec. 4. NEW SECTION. 249A.40 **Dissolved providers —**
35 **overpayments or incorrect payments.**

LSB 1263XD (9) 85

-1-

pf/nh

1/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 Medical assistance paid to a provider following
2 administrative dissolution of the provider pursuant to chapter
3 490, division XIV, part B, shall be considered incorrectly paid
4 for the purposes of section 249A.5 and the provider shall be
5 considered to have received an overpayment for the purposes
6 of this subchapter. Notwithstanding section 490.1422, or any
7 other similar retroactive provision for reinstatement, the
8 director shall recoup any medical assistance paid to a provider
9 while the provider was dissolved. The principals of the
10 provider shall be personally liable for the incorrect payment
11 or overpayment.

12 Sec. 5. NEW SECTION. **249A.41 Overpayment — interest.**

13 1. Interest may be collected upon any overpayment
14 determined to have been made and shall accrue at the rate and
15 in the manner specified in this section.

16 2. Prior to the provision of a notice of overpayment to the
17 provider pursuant to section 249A.30, interest shall accrue at
18 the statutory rate for prejudgment interest applicable in civil
19 actions.

20 3. After the provision of a notice of overpayment to the
21 provider, interest shall accrue at the statutory rate for
22 prejudgment interest applicable in civil actions plus five
23 percent per annum, or the maximum legal rate, whichever is
24 lower.

25 4. At the discretion of the director, interest on an
26 overpayment may be waived in whole or in part when the
27 department determines the imposition of interest would produce
28 an unjust result, would unduly burden the provider, or would
29 substantially delay the prompt and efficient resolution of an
30 outstanding audit or investigation.

31 Sec. 6. NEW SECTION. **249A.42 Overpayment — limitations**
32 **periods.**

33 1. An administrative action to recover an overpayment to a
34 provider shall be commenced within ten years of the date the
35 overpayment was incurred.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 2. An administrative action to impose a sanction related
2 to an overpayment to a provider shall be commenced within
3 five years of the date the conduct underlying the sanction
4 concluded, or the director discovered such conduct, whichever
5 is later.

6 Sec. 7. NEW SECTION. **249A.43 Provider overpayment — notice**
7 **— judgment.**

8 1. Any overpayment to a provider under this chapter shall
9 become a judgment against the provider, by operation of law,
10 ninety days after the notice of overpayment is personally
11 served upon the enrolled provider as required in the Iowa
12 rules of civil procedure or by certified mail, return receipt
13 requested, by the director or the attorney general. The
14 judgment is entitled to full faith and credit in all states.

15 2. The notice of overpayment shall include the amount and
16 cause of the overpayment, the provider's appeal rights, and a
17 disclaimer that a judgment may be established if an appeal is
18 not timely filed or if an appeal is filed and at the conclusion
19 of the administrative process under chapter 17A a determination
20 is made that there is an overpayment.

21 3. An affidavit of service of a notice of entry of judgment
22 shall be made by first class mail at the address where the
23 debtor was served with the notice of overpayment. Service is
24 completed upon mailing as specified in this paragraph.

25 4. On or after the date an unpaid overpayment becomes a
26 judgment by operation of law, the director or the attorney
27 general may file all of the following with the district court:

28 a. A statement identifying, or a copy of, the notice of
29 overpayment.

30 b. Proof of service of the notice of overpayment.

31 c. An affidavit of default, stating the full name,
32 occupation, place of residence, and last known post office
33 address of the debtor; the name and post office address of the
34 department; the date or dates the overpayment was incurred;
35 the program under which the debtor was overpaid; and the total

LSB 1263XD (9) 85

-3-

pf/nh

3/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 amount of the judgment.

2 5. Nothing in this section shall be construed to impede or
3 restrict alternative methods of recovery of the overpayments
4 specified in this section or of overpayments which do not meet
5 the requirements of this section.

6 Sec. 8. NEW SECTION. **249A.44 Overpayment — emergency**
7 **relief.**

8 1. Concurrently with a withholding of payment, the
9 imposition of a sanction, or the institution of a criminal,
10 civil, or administrative proceeding against a provider or
11 other person for overpayment, the director or the attorney
12 general may bring an action for a temporary restraining order
13 or injunctive relief to prevent a provider or other person
14 from whom recovery may be sought, from transferring property
15 or otherwise taking action to protect the provider's or other
16 person's business inconsistent with the recovery sought.

17 2. To obtain such relief, the director or the attorney
18 general shall demonstrate all necessary requirements for the
19 relief to be granted.

20 3. If an injunction is granted, the court may appoint a
21 receiver to protect the property and business of the provider
22 or other person from whom recovery may be sought. The court
23 shall assess the costs of the receiver to the provider or other
24 person.

25 4. The director or the attorney general may file a lis
26 pendens on the property of the provider or other person
27 during the pendency of a criminal, civil, or administrative
28 proceeding.

29 5. When requested by the court, the director, or the
30 attorney general, a provider or other person from whom recovery
31 may be sought shall have an affirmative duty to fully disclose
32 all property and liabilities to the requester.

33 6. An action brought under this section may be brought in
34 the district court for Polk county or any other county in which
35 a provider or other person from whom recovery may be sought has

LSB 1263XD (9) 85

-4-

pf/nh

4/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 its principal place of business or is domiciled.

2 Sec. 9. NEW SECTION. 249A.45 Provider's third-party
3 submissions.

4 1. The department may refuse to accept a financial and
5 statistical report, cost report, or any other submission
6 from any third party acting under a provider's authority or
7 direction to prepare or submit such documents or information,
8 for good cause shown. For the purposes of this section,
9 "good cause", includes but is not limited to a pattern or
10 practice of submitting unallowable costs on cost reports;
11 making a false statement or certification to the director or
12 any representative of the department; professional negligence
13 or other demonstrated lack of knowledge of the cost reporting
14 process; conviction under a federal or state law relating to
15 the operation of a publicly funded program; or submission of a
16 false claim under chapter 685.

17 2. If the department refuses to accept a cost report
18 from a third party for good cause under this section, the
19 third party shall be strictly liable to the provider for all
20 fees incurred in preparation of the cost report, as well as
21 reasonable attorney fees and costs. The department shall not
22 take any adverse action against a provider that results from
23 the unintentional delay in the submission of a new cost report
24 or other submission necessitated by the department's refusal to
25 accept a cost report or other submission under this section.

26 Sec. 10. NEW SECTION. 249A.46 Liability of other persons
27 — repayment of claims.

28 1. The department may require repayment of medical
29 assistance paid from the person submitting an incorrect or
30 improper claim, the person causing the claim to be submitted,
31 or the person receiving payment for the claim.

32 2. The department may require repayment of medical
33 assistance paid for inappropriate, improper, unnecessary,
34 or excessive care, services, or supplies from the person
35 furnishing the care, services, or supplies; the person



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 under whose supervision the care, services, or supplies
2 were furnished; or the person causing the care, services, or
3 supplies to be furnished. In such an instance, the department
4 may recover the amount paid for such care, services, or
5 supplies from the person ordering or prescribing the care,
6 services, or supplies, even though payment was made to another
7 person. Medical care, services, or supplies ordered or
8 prescribed shall be considered excessive or not medically
9 necessary unless the medical basis and specific need for the
10 care, services, or supplies are fully and properly documented
11 in the client's medical record.

12 3. Any person furnishing, or supervising the furnishing of,
13 medical care, services, or supplies is jointly and severally
14 liable for any overpayments resulting from the furnishing of
15 the care, services, or supplies. The amount of repayment
16 which may be recovered from any person under this section is
17 the amount paid for furnishing the medical care, services, or
18 supplies, plus the amount paid to any other person as a result
19 of the person's ordering or prescribing medical care, services,
20 or supplies, less any amount actually recovered from any other
21 person which relates to the care, services, or supplies for
22 which repayment is sought.

23 4. Nothing in this section shall be construed to impede or
24 restrict alternative recovery methods for claims specified in
25 this section or claims which do not meet the requirements of
26 this section.

27 Sec. 11. NEW SECTION. **249A.47 Improperly filed claims**
28 **— other violations — imposition of monetary recovery and**
29 **sanctions.**

30 1. In addition to any other remedies or penalties prescribed
31 by law, including but not limited to those specified pursuant
32 to section 249A.8 or chapter 685, all of the following shall be
33 applicable to violations under the medical assistance program:

34 a. A person who knowingly presents or causes to be presented
35 to the department a claim that the department determines meets



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 any of the following criteria is subject to a civil penalty of
2 not more than ten thousand dollars for each item or service:

3 (1) A claim for medical or other items or services that
4 the provider knows or should have known was not provided as
5 claimed, including a claim by any provider who engages in a
6 pattern or practice of presenting or causing to be presented
7 a claim for an item or service that is based on a billing code
8 that the provider knows or should have known will result in
9 a greater payment to the provider than the billing code the
10 provider knows or should have known is applicable to the item
11 or service actually provided.

12 (2) A claim for medical or other items or services the
13 provider knows or should have known to be false or fraudulent.

14 (3) A claim for a physician service or an item or service
15 incident to a physician service by a person who knows or should
16 have known that the individual who furnished or supervised the
17 furnishing of the service meets any of the following:

18 (a) Was not licensed as a physician.

19 (b) Was licensed as a physician, but such license had been
20 obtained through a misrepresentation of material fact.

21 (c) Represented to the patient at the time the service
22 was furnished that the physician was certified in a medical
23 specialty by a medical specialty board when the individual was
24 not so certified.

25 (4) A claim for medical or other items or services furnished
26 during a period in which the provider was excluded from
27 providing such items or services.

28 (5) A claim for a pattern of medical or other items or
29 services that a provider knows or should have known were not
30 medically necessary.

31 b. A provider who knowingly presents or causes to be
32 presented to any person a request for payment which is in
33 violation of the terms of either of the following is subject to
34 a civil penalty of not more than ten thousand dollars for each
35 item or service:

LSB 1263XD (9) 85

pf/nh

7/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 (1) An agreement with the department or a requirement of a
2 state plan under Tit. XIX or XXI of the federal Social Security
3 Act not to charge a person for an item or service in excess of
4 the amount permitted to be charged.

5 (2) An agreement to be a participating provider.

6 c. A provider who is not an organization, agency, or
7 other entity, and knowing that the provider is excluded from
8 participating in a program under Tit. XVIII, XIX, or XXI of the
9 federal Social Security Act at the time of the exclusion, who
10 does any of the following, is subject to a civil penalty of ten
11 thousand dollars for each day that the prohibited relationship
12 occurs:

13 (1) Retains a direct or indirect ownership or control
14 interest in an entity that is participating in such programs,
15 and knows or should have known of the action constituting the
16 basis for the exclusion.

17 (2) Is an officer or managing employee of such an entity.

18 d. A provider who knowingly offers to or transfers
19 remuneration to any individual eligible for benefits under Tit.
20 XIX or XXI of the federal Social Security Act and who knows
21 or should have known such offer or remuneration is likely to
22 influence such individual to order or receive from a particular
23 provider any item or service for which payment may be made, in
24 whole or in part, under Tit. XIX or XXI of the federal Social
25 Security Act, is subject to a civil penalty of not more than
26 ten thousand dollars for each item or service.

27 e. A provider who knowingly arranges or contracts, by
28 employment or otherwise, with an individual or entity that
29 the provider knows or should have known is excluded from
30 participation under Tit. XVIII, XIX, or XXI of the federal
31 Social Security Act, for the provision of items or services for
32 which payment may be made under such titles, is subject to a
33 civil penalty of not more than ten thousand dollars for each
34 item or service.

35 f. A provider who knowingly offers, pays, solicits, or



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 receives payment, directly or indirectly, to reduce or limit
2 services provided to any individual eligible for benefits under
3 Tit. XVIII, XIX, or XXI of the federal Social Security Act,
4 is subject to a civil penalty of not more than fifty thousand
5 dollars for each act.

6 *g.* A provider who knowingly makes, uses, or causes to
7 be made or used, a false record or statement material to a
8 false or fraudulent claim for payment for items and services
9 furnished under Tit. XIX or XXI of the federal Social Security
10 Act, is subject to a civil penalty of not more than fifty
11 thousand dollars for each false record or statement.

12 *h.* A provider who knowingly fails to grant timely access,
13 upon reasonable request, to the department for the purpose of
14 audits, investigations, evaluations, or other functions of the
15 department, is subject to a civil penalty of fifteen thousand
16 dollars for each day of the failure.

17 *i.* A provider who knowingly makes or causes to be made any
18 false statement, omission, or misrepresentation of a material
19 fact in any application, bid, or contract to participate
20 or enroll as a provider of services or a supplier under
21 Tit. XVIII, XIX, or XXI of the federal Social Security Act,
22 including a managed care organization or entity that applies
23 to participate as a provider of services or supplier in such
24 a managed care organization or plan, is subject to a civil
25 penalty of fifty thousand dollars for each false statement,
26 omission, or misrepresentation of a material fact.

27 *j.* A provider who knows of an overpayment and does not
28 report and return the overpayment in accordance with section
29 249A.41 is subject to a civil penalty of ten thousand dollars
30 for each failure to report and return an overpayment.

31 2. In addition to the civil penalties prescribed under
32 subsection 1, for any violation specified in subsection 1, a
33 provider shall be subject to the following, as applicable:

34 *a.* For violations specified in subsection 1, paragraph
35 "a", "b", "c", "d", "e", "g", "h", or "j", an assessment of not



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 more than three times the amount claimed for each such item or
2 service in lieu of damages sustained by the department because
3 of such claim.

4 *b.* For a violation specified in subsection 1, paragraph
5 "*f*", damages of not more than three times the total amount of
6 remuneration offered, paid, solicited, or received, without
7 regard to whether a portion of such remuneration was offered,
8 paid, solicited, or received for a lawful purpose.

9 *c.* For a violation specified in subsection 1, paragraph "*i*",
10 an assessment of not more than three times the total amount
11 claimed for each item or service for which payment was made
12 based upon the application containing the false statement,
13 omission, or misrepresentation of a material fact.

14 3. In determining the amount or scope of any penalty
15 or assessment imposed pursuant to a violation specified in
16 subsection 1, the director shall consider all of the following:

17 *a.* The nature of the claims and the circumstances under
18 which they were presented.

19 *b.* The degree of culpability, history of prior offenses, and
20 financial condition of the person against whom the penalties or
21 assessments are levied.

22 *c.* Such other matters as justice may require.

23 4. Of any amount recovered arising out of a claim under Tit.
24 XIX or XXI of the federal Social Security Act, the department
25 shall receive the amount bearing the same proportion paid by
26 the department for such claims, including any federal share
27 that must be returned to the centers for Medicare and Medicaid
28 services of the United States department of human services.
29 The remainder of any amount recovered shall be deposited in the
30 general fund of the state.

31 5. Civil penalties levied under this section are appealable
32 under 441 IAC ch. 7, but, notwithstanding any provision to the
33 contrary in that chapter, the appellant shall bear the burden
34 to prove by clear and convincing evidence that the claim was
35 not filed improperly.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 6. For the purposes of this section, "claim" includes but is
2 not limited to the submission of a cost report.

3 Sec. 12. NEW SECTION. **249A.48 Costs.**

4 1. The department may seek recovery of investigative costs
5 from any provider or other person who submits, or causes to
6 be submitted, a claim for reimbursement for services the
7 provider or other person knows or reasonably should have known
8 would result in the incorrect payment of medical assistance.
9 Investigative costs include but are not limited to the costs
10 the department incurs in an audit and reasonable attorney fees.
11 Investigative costs do not include billing errors that result
12 in unintentional overcharges.

13 2. For the purposes of calculating a rate of payment for
14 a provider, allowable costs shall not include professional
15 fees, including but not limited to accountant or attorney
16 fees, incurred by the provider relating to any proceeding or
17 prospective proceeding relating to overpayment, sanction, or
18 other medical assistance program integrity proceedings.

19 Sec. 13. NEW SECTION. **249A.49 Temporary moratoria.**

20 1. The Iowa Medicaid enterprise shall impose a temporary
21 moratorium on the enrollment of new providers or provider types
22 identified by the centers for Medicare and Medicaid services of
23 the United States department of health and human services as
24 posing an increased risk to the medical assistance program.

25 a. This section shall not be interpreted to require the
26 Iowa Medicaid enterprise to impose a moratorium if the Iowa
27 Medicaid enterprise determines that imposition of a temporary
28 moratorium would adversely affect access of recipients to
29 medical assistance services.

30 b. If the Iowa Medicaid enterprise makes a determination
31 as specified in paragraph "a", the Iowa Medicaid enterprise
32 shall notify the centers for Medicare and Medicaid services of
33 the United States department of health and human services in
34 writing.

35 2. The Iowa Medicaid enterprise may impose a temporary

LSB 1263XD (9) 85

-11-

pf/nh

11/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 moratorium on the enrollment of new providers, or impose
2 numerical caps or other limits that the Iowa Medicaid
3 enterprise and the centers for Medicare and Medicaid services
4 identify as having a significant potential for fraud, waste, or
5 abuse.

6 *a.* Before implementing the moratorium, caps, or other
7 limits, the Iowa Medicaid enterprise shall determine that its
8 action would not adversely impact access by recipients to
9 medical assistance services.

10 *b.* The Iowa Medicaid enterprise shall notify, in writing,
11 the centers for Medicare and Medicaid services, if the Iowa
12 Medicaid enterprise seeks to impose a moratorium under this
13 subsection, including all of the details of the moratorium.
14 The Iowa Medicaid enterprise shall receive approval from the
15 centers for Medicare and Medicaid services prior to imposing a
16 moratorium under this subsection.

17 3. *a.* The Iowa Medicaid enterprise shall impose any
18 moratorium for an initial period of six months.

19 *b.* If the Iowa Medicaid enterprise determines that it
20 is necessary, the Iowa Medicaid enterprise may extend the
21 moratorium in six-month increments. Each time a moratorium
22 is extended, the Iowa Medicaid enterprise shall document, in
23 writing, the necessity for extending the moratorium.

24 Sec. 14. NEW SECTION. **249A.50 Internet site — providers**
25 **found in violation of medical assistance program.**

26 1. The director shall maintain on the department's internet
27 site, in a manner readily accessible by the public, all of the
28 following:

29 *a.* A list of all providers that the department has
30 terminated, suspended, placed on probation, or otherwise
31 sanctioned.

32 *b.* A list of all providers that have failed to return an
33 identified overpayment of medical assistance within the time
34 frame specified in section 249A.41.

35 *c.* A list of all providers found liable for a false claims

LSB 1263XD (9) 85

-12-

pf/nh

12/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 law violation related to the medical assistance program under
2 chapter 685.

3 2. The director shall take all appropriate measures to
4 safeguard the protected health information, social security
5 numbers, and other information of the individuals involved,
6 which may be redacted or omitted as provided in rule of civil
7 procedure 1.422. A provider shall not be included on the
8 internet site until all administrative and judicial remedies
9 relating to the violation have been exhausted.

10 Sec. 15. CODE EDITOR DIRECTIVES. The Code editor shall do
11 all of the following:

12 1. Create a new subchapter in chapter 249A, entitled
13 "Medical Assistance Eligibility and Miscellaneous Provisions",
14 which shall include sections 249A.1 through 249A.4, section
15 249A.4B, sections 249A.9 through 249A.13, sections 249A.15
16 through 249A.18A, and sections 249A.20 through 249A.38,
17 Code 2013. The Code editor may renumber sections within the
18 subchapter and shall correct internal references as necessary.

19 2. Create a new subchapter in chapter 249A, entitled
20 "Medical Assistance Program Integrity", which shall include
21 sections 249A.39 through 249A.50, as enacted in this Act.

22 3. a. Transfer section 249A.4A, sections 249A.5 through
23 249A.8, section 249A.14, and section 249A.19, Code 2013, to the
24 new subchapter entitled "Medical Assistance Program Integrity".
25 The Code editor shall renumber the transferred sections as
26 follows:

27 (1) Section 249A.4A as section 249A.53.

28 (2) Section 249A.5 as section 249A.54.

29 (3) Section 249A.6 as section 249A.55.

30 (4) Section 249A.6A as section 249A.56.

31 (5) Section 249A.7 as section 249A.51.

32 (6) Section 249A.8 as section 249A.52.

33 (7) Section 249A.14 as section 249A.57.

34 (8) Section 249A.19 as section 249A.58.

35 b. The Code editor shall correct internal references as

LSB 1263XD (9) 85

-13-

pf/nh

13/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 necessary.

2 EXPLANATION

3 This bill relates to medical assistance (Medicaid) program
4 integrity.

5 The bill amends Code section 10A.108, which provides that
6 if a person refuses or neglects to repay benefits or provider
7 payments inappropriately obtained from the department of human
8 services (DHS), the amount inappropriately obtained constitutes
9 a debt and is a lien in favor of the state upon all property
10 belonging to the person. The bill provides that DHS is no
11 longer responsible for paying the fee for recording of the
12 satisfaction of the lien or the debt, but that this is the
13 responsibility of the debtor.

14 The bill requires a provider who has received an overpayment
15 to provide notification in writing and return the overpayment
16 to the department, department's agent, or the department's
17 contractor, as applicable. The notification and return of
18 the overpayment are to be completed the earlier of 60 days
19 after the date on which the overpayment was identified by the
20 provider or the date any corresponding cost report is due,
21 as applicable. Violation of this provision constitutes a
22 violation of the false claims Act (Code chapter 685).

23 The bill provides that if a provider is administratively
24 dissolved and receives payments following the dissolution,
25 the payments are considered to be overpayments and to be
26 incorrectly paid.

27 The bill provides for the accrual of interest on, and the
28 rate of interest applicable to, overpayments.

29 The bill requires that an administrative action to recover
30 an overpayment be commenced within 10 years of the date the
31 overpayment occurred. An administrative action to impose
32 a sanction on a provider related to an overpayment must be
33 commenced within five years of the date the conduct underlying
34 the sanction concluded, or the director of human services
35 discovered such conduct, whichever is first.

LSB 1263XD (9) 85

-14-

pf/nh

14/17



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 The bill provides a process to establish a judgment by
2 operation of law for any overpayment to a Medicaid provider
3 90 days after the notice of overpayment is served upon the
4 provider.

5 The bill provides for emergency relief relating to
6 overpayments to Medicaid providers or others. The bill
7 provides that the director of human services or the attorney
8 general may bring an action for a temporary restraining order
9 or injunctive relief to prevent a provider or other person from
10 transferring property or otherwise taking actions to protect
11 the provider's or other person's business inconsistent with the
12 recovery being sought.

13 The bill authorizes DHS to refuse to accept financial and
14 statistical reports, cost reports, and other submissions from
15 third parties acting under the authority or direction of a
16 provider for good cause, and defines "good cause". If DHS
17 refuses to accept a submission from such a third party, the
18 third party is strictly liable to the provider for all fees
19 incurred, attorney fees, and other costs. The bill provides
20 that DHS shall not take any adverse action against the provider
21 under circumstance that result from any unintentional delay on
22 the part of the provider in submitting a new submission.

23 The bill provides for repayment by persons other than the
24 provider for improper payments including the person submitting
25 an incorrect or improper claim, the person causing the claim
26 to be submitted, or the person receiving payment for the
27 claim. The bill also provides that DHS may require repayment
28 for inappropriate, improper, unnecessary, or excessive care,
29 services, or supplies from the person furnishing them, the
30 person under whose supervision they were furnished, or the
31 person causing them to be furnished. Any person furnishing,
32 or supervising the furnishing of, medical care, services, or
33 supplies is jointly and severally liable for any overpayments
34 resulting from the furnishing of the care, services, or
35 supplies.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 The bill provides specific civil penalties and assessments
2 or damages for improperly filed claims and other violations
3 relating to improper reimbursement under the Medicaid program.

4 The bill authorizes the department to recover investigative
5 costs from any provider or other person who submits, or causes
6 to be submitted, a claim for reimbursement for services the
7 provider or other person knows or reasonably should have known
8 would result in the incorrect payment of medical assistance.

9 The bill also provides that in calculating a rate of payment
10 for a provider, allowable costs do not include professional
11 fees incurred by the provider relating to any Medicaid program
12 integrity proceeding.

13 The bill directs the Iowa Medicaid enterprise (IME) to
14 impose temporary moratoria on enrollment of new providers or
15 provider types identified by the centers for Medicare and
16 Medicaid services of the United States department of health
17 and human services (CMS) as posing an increased risk to the
18 Medicaid program. The moratoria are not required if the IME
19 determines that imposition of a temporary moratorium would
20 adversely affect access of recipients to Medicaid services.
21 However, if the IME makes such a determination, IME is to
22 notify CMS in writing. The bill also authorizes IME to
23 impose temporary moratoria on enrollment of new providers, or
24 impose numerical caps or other limits that the IME and CMS
25 identify as having a significant potential for fraud, waste,
26 or abuse. Before implementing the moratoria, caps, or other
27 limits, IME must determine that its action would not adversely
28 impact access by recipients to Medicaid services, notify CMS
29 in writing, and receive approval from CMS. Any moratorium is
30 to be imposed for an initial period of six months and may then
31 be extended in six-month increments. The necessity for any
32 extension is to be documented in writing.

33 The bill requires the director of human services to maintain
34 on the department's internet site, in a manner readily
35 accessible by the public, lists of all providers that the



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 department has terminated, suspended, placed on probation, or
2 otherwise sanctioned; all providers that have failed to return
3 an identified overpayment; and all providers found liable for a
4 false claims law violation related to Medicaid.

5 The bill provides for all Medicaid program integrity
6 provisions to be codified in a new subchapter under Code
7 chapter 249A (medical assistance), including the new provisions
8 enacted in the bill and existing provisions under Code sections
9 249A.4A (garnishment), 249A.5 (recovery of payment), 249A.6
10 (assignment — lien), 249A.6A (restitution), 249A.7 (fraudulent
11 practices — investigations and audits — Medicaid fraud fund),
12 249A.8 (fraudulent practice), 249A.14 (county attorney to
13 enforce), and 249A.19 (health care facilities — penalty).



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

Senate Study Bill 1128 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
COMMERCE/CREDIT UNION
DIVISION BILL)

A BILL FOR

1 An Act relating to matters under the purview of the credit
2 union division of the department of commerce, and making
3 penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1261DP (4) 85
rn/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 Section 1. Section 533.102, subsection 4, Code 2013, is
2 amended to read as follows:

3 4. "*Credit union service organization*" means a corporation,
4 ~~or~~ limited partnership, or limited liability company organized
5 under state law to provide financial and financial-related
6 services for one or more credit unions, each of which owns part
7 of the capital stock of the credit union service organization,
8 as authorized under section 533.301, subsection 5, paragraph
9 "f", and which corporation, ~~or~~ limited partnership, or limited
10 liability company is subject to examination by the credit
11 union division of the Iowa department of commerce or a federal
12 supervisory agency.

13 Sec. 2. Section 533.205, subsection 1, paragraph d, Code
14 2013, is amended to read as follows:

15 d. A ~~chief~~ financial officer whose title shall be designated
16 by the board.

17 Sec. 3. Section 533.301, subsections 28 and 29, Code 2013,
18 are amended to read as follows:

19 28. Sell, to persons in the field of membership, negotiable
20 checks, including traveler's checks; money orders; and other
21 similar money transfer instruments including international and
22 domestic electronic fund transfers and remittance checks.

23 29. Cash checks and money orders, and send and receive
24 international and domestic electronic fund transfers and
25 remittance transfers, for persons in the field of membership.

26 Sec. 4. Section 533.401, subsection 3, paragraphs a and b,
27 Code 2013, are amended to read as follows:

28 a. ~~Notice of the meeting called to consider~~ balloting for
29 the membership vote on the merger was mailed to each member of
30 the merging credit union entitled to vote upon the question
31 at least twenty days prior to the ~~date of the merger meeting~~
32 scheduled conclusion of the vote.

33 b. The notice of balloting disclosed the purpose of the
34 ~~meeting~~ vote and properly informed the membership that approval
35 of the merger would be sought pursuant to this section.

LSB 1261DP (4) 85

-1-

rn/sc

1/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 Sec. 5. Section 533.401, subsection 9, Code 2013, is amended
2 by striking the subsection.

3 Sec. 6. Section 533.404, subsection 4, Code 2013, is amended
4 by striking the subsection.

5 Sec. 7. Section 533.405, subsection 2, Code 2013, is amended
6 by adding the following new paragraph:

7 NEW PARAGRAPH. *d.* The board of directors shall notify the
8 national credit union administration of the intent to dissolve,
9 as required by federal regulation.

10 Sec. 8. Section 533.405, Code 2013, is amended by adding the
11 following new subsection:

12 NEW SUBSECTION. 4A. *a.* (1) Within ten days of the
13 conclusion of a membership vote approving the voluntary
14 dissolution, the board of directors or the liquidating agent
15 appointed pursuant to subsection 4 shall cause notice, as
16 provided in this subsection, to be given to creditors of the
17 state credit union to present their claims.

18 (2) A copy of the notice of voluntary dissolution shall be
19 mailed to all creditors reflected on the records of the state
20 credit union.

21 *b.* In addition to mailing notice to known creditors, the
22 state credit union shall also publish notice of the voluntary
23 dissolution as follows:

24 (1) State credit unions with assets in excess of \$5
25 million as of the month ending immediately prior to the date
26 of the conclusion of the vote by the membership approving
27 the dissolution shall publish the notice once a week for two
28 successive weeks in a newspaper of general circulation in each
29 county in which the state credit union maintains an office or
30 branch for the transaction of business.

31 (2) State credit unions with assets of \$5 million or
32 less as of the month ending immediately prior to the date of
33 the conclusion of the vote by the membership approving the
34 dissolution shall publish the notice once in a newspaper of
35 general circulation in each county in which the state credit

LSB 1261DP (4) 85

-2-

rn/sc

2/5



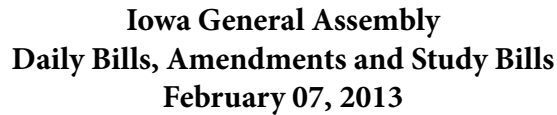
Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 union maintains an office or branch.
2 c. Mailed and published notices under this subsection shall
3 indicate all of the following:
4 (1) A creditor shall have thirty days from the date the
5 notice was sent or first published to submit the creditor's
6 claim. The state credit union must receive the claim on or
7 before the thirtieth day, or the claim is barred.
8 (2) Information that must be included in a claim.
9 (3) A mailing address where a claim is to be sent.
10 Sec. 9. Section 533.405, subsections 5 and 6, Code 2013, are
11 amended to read as follows:
12 5. a. Upon such proof as is satisfactory to the
13 superintendent that all assets of the following have occurred,
14 the superintendent shall issue a certificate of dissolution:
15 (1) Assets have been liquidated from which there is a
16 reasonable expectance of realization, ~~that the.~~
17 (2) The liabilities of the state credit union have been
18 discharged ~~and distribution.~~
19 (3) Distribution has been made to its members, and that the
20 pursuant to section 533.404, subsection 1.
21 (4) The liquidation has been completed, ~~the superintendent~~
22 ~~shall issue a certificate of dissolution, which.~~
23 b. The certificate shall be filed and recorded in the county
24 in which the state credit union has its principal place of
25 business and in the county in which its original articles of
26 incorporation were filed and recorded.
27 ~~b.~~ c. Upon the ~~issuance~~ filing of a certificate of
28 dissolution, the existence of the state credit union shall
29 cease.
30 6. a. At any time prior to any the final distribution
31 of its assets, a state credit union may revoke the voluntary
32 dissolution proceedings by the affirmative vote of a majority
33 of its members eligible to vote, according to the provisions
34 of section 533.203. At least twenty days' notice shall be
35 provided between the sending of notice and the scheduled

LSB 1261DP (4) 85
rn/sc

3/5



Page 197 of 222



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 credit union administration of its intent to dissolve.
2 The bill further modifies voluntary dissolution provisions
3 to establish creditor notification requirements and procedures
4 concerning the presentation of claims and requirements that
5 must be satisfied prior to issuance of a certificate of
6 dissolution.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

Senate Study Bill 1129 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON McCOY)

A BILL FOR

1 An Act regulating the sale of portable electronics insurance,
2 including by requiring licensure, and providing for fees and
3 penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1494XC (1) 85
av/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____

1 Section 1. **NEW SECTION. 522E.1 Definitions.**

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "*Commissioner*" means the commissioner of insurance.

5 2. "*Customer*" means a person who purchases portable
6 electronics.

7 3. "*Enrolled customer*" means a customer who elects coverage
8 under a portable electronics insurance policy issued to a
9 vendor of portable electronics.

10 4. "*Free trial offer*" means an offer to a customer under
11 which portable electronics insurance is provided free of charge
12 for a limited time period subsequent to which a charge is
13 made to the customer for the insurance without notice to the
14 customer of such charge prior to the expiration of the free
15 trial period.

16 5. "*Location*" means any physical location in this state,
17 or any internet site, call center site, or similar location
18 directed to residents of this state.

19 6. "*Portable electronics*" means electronic devices that
20 are personal, self-contained, easily carried by an individual,
21 battery operated, and used for communication, viewing,
22 listening, recording, gaming, computing, or global positioning,
23 including cell or satellite phones, pagers, personal global
24 positioning satellite units, portable computers, portable
25 audio listening, video viewing, or recording devices, digital
26 cameras, video camcorders, portable gaming systems, docking
27 stations, automatic answering devices, and other similar
28 devices, and the accessories and services related to the use of
29 such devices.

30 7. a. "*Portable electronics insurance*" means insurance
31 providing coverage for the repair or replacement of portable
32 electronics which may include coverage against any one or more
33 of the following causes of loss:

34 (1) Property loss.

35 (2) Theft.

LSB 1494XC (1) 85
av/nh

1/13



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____

- 1 (3) Inoperability due to mechanical failure.
2 (4) Malfunction.
3 (5) Damage.
4 (6) Other similar causes of loss.
5 *b. "Portable electronics insurance" does not include any of*
6 *the following:*
7 (1) A service contract or extended warranty providing
8 coverage limited to the repair, replacement, or maintenance
9 of property for the operational or structural failure of the
10 property due to a defect in materials, workmanship, accidental
11 damage from handling power surges, or normal wear and tear.
12 (2) A policy of insurance coverage of a seller's or
13 manufacturer's obligations under a warranty.
14 (3) A homeowner's, renter's, private passenger automobile,
15 commercial multiperil, or similar insurance policy.
16 8. *"Portable electronics transaction" means any of the*
17 *following:*
18 *a. The sale or lease of portable electronics by a vendor to*
19 *a customer.*
20 *b. The sale of a service related to the use of portable*
21 *electronics by a vendor to a customer.*
22 9. *"Supervising entity" means a business entity that is*
23 *a licensed insurer or an insurance producer licensed under*
24 *chapter 522B, that is appointed by an insurer to supervise the*
25 *administration of a portable electronics insurance program.*
26 10. *"Vendor" means a person in the business of engaging in*
27 *portable electronics transactions, directly or indirectly.*
28 **Sec. 2. NEW SECTION. 522E.2 Licensure of vendors.**
29 1. A vendor shall obtain a portable electronics limited
30 lines insurance license as required under this chapter to
31 sell or offer for sale coverage under a policy of portable
32 electronics insurance.
33 2. A portable electronics limited lines insurance license
34 issued to a vendor pursuant to this chapter authorizes any
35 employee or authorized representative of the vendor to sell or



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____

1 offer coverage under a policy of portable electronics insurance
2 to a customer at each location at which the vendor engages in
3 portable electronics transactions.

4 3. A supervising entity shall maintain a registry of vendor
5 locations that are authorized to sell or solicit portable
6 electronics insurance in this state. Upon request by the
7 commissioner and with ten days' notice to the supervising
8 entity, the registry shall be open to inspection and
9 examination by the commissioner during regular business hours
10 of the supervising entity.

11 4. Notwithstanding any other provision of law to the
12 contrary, a portable electronics limited lines insurance
13 license issued pursuant to this chapter authorizes the licensee
14 and its employees or authorized representatives to engage in
15 those activities that are permitted in this chapter.

16 Sec. 3. NEW SECTION. 522E.3 Requirements for sale of
17 portable electronics insurance.

18 1. At every location where portable electronics insurance
19 is offered to customers, brochures or other written materials
20 that do all of the following shall be made available to
21 prospective customers:

22 a. Disclose that portable electronics insurance may provide
23 a duplication of coverage already provided by the customer's
24 homeowner's insurance policy, renter's insurance policy, or
25 other source of insurance coverage.

26 b. State that enrollment by the customer in a portable
27 electronics insurance program is not required in order to
28 purchase or lease portable electronics.

29 c. Summarize the material terms of the portable electronics
30 insurance coverage including all of the following:

31 (1) The identity of the insurer.

32 (2) The identity of the supervising entity.

33 (3) The amount of any applicable deductible and how it is
34 to be paid.

35 (4) Benefits of the coverage.

LSB 1494XC (1) 85
av/nh

3/13



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____

1 (5) Key terms and conditions of coverage such as whether
2 portable electronics may be repaired or replaced with similar
3 make and model reconditioned or nonoriginal manufacturer parts
4 or equipment.

5 d. Summarize the process for filing a claim, including
6 a description of how to return portable electronics and the
7 maximum fee applicable in the event the customer fails to
8 comply with any equipment return requirements.

9 e. State that an enrolled customer may cancel enrollment for
10 coverage under a portable electronics insurance policy at any
11 time and the person paying the premium shall receive a refund
12 or credit of any applicable unearned premium.

13 2. The disclosures required pursuant to subsection 1 or the
14 full terms and conditions of portable electronics insurance
15 coverage shall be provided to customers enrolling in such
16 coverage by hand delivery, ordinary mail, or electronic mail,
17 or by directing the customer to an internet site containing
18 such information.

19 3. Portable electronics insurance may be offered on a
20 month-to-month or other periodic basis as a group or master
21 commercial inland marine policy issued to a vendor for its
22 enrolled customers.

23 4. Portable electronics insurance shall not be sold through
24 a free trial offer.

25 5. The commissioner of insurance shall establish
26 eligibility and underwriting standards for customers electing
27 to enroll in coverage for each portable electronics insurance
28 program.

29 Sec. 4. NEW SECTION. 522E.4 Authority of vendors.

30 1. The employees and authorized representatives of a vendor
31 may sell or offer portable electronics insurance to customers
32 and shall not be subject to licensure under this chapter or as
33 an insurance producer under chapter 522B provided that all of
34 the following requirements are met:

35 a. The vendor obtains a portable electronics limited lines

LSB 1494XC (1) 85

av/nh

4/13



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____

1 insurance license that authorizes the vendor's employees
2 or authorized representatives to sell or offer portable
3 electronics insurance pursuant to this chapter.

4 **b.** The insurer issuing the portable electronics insurance
5 either directly supervises the administration of the portable
6 electronics insurance program or appoints a supervising entity
7 to supervise the administration of the program, including
8 development of a training program for employees and authorized
9 representatives of the vendor. The training required by this
10 paragraph shall comply with all of the following requirements:

11 (1) The training shall be delivered to employees and
12 authorized representatives of a vendor who are directly engaged
13 in the activity of selling or offering for sale portable
14 electronics insurance.

15 (2) The training may be offered in electronic form.
16 However, if the training is conducted in electronic form, the
17 supervising entity shall implement a supplemental education
18 program for employees and authorized representatives of
19 the vendor regarding the portable electronics insurance
20 product that is conducted and overseen by an employee of the
21 supervising entity who is an insurance producer licensed under
22 chapter 522B.

23 (3) Each employee and authorized representative of a vendor
24 shall receive basic instruction about the portable electronics
25 insurance offered to customers and the disclosures required
26 under section 522E.3.

27 **c.** A vendor or an authorized representative shall maintain
28 a list of all employees or authorized representatives of each
29 vendor who are authorized to sell or offer portable electronics
30 insurance to customers under this section. Upon request by
31 the commissioner, and with ten days' notice to the vendor
32 or supervising entity, the list maintained shall be open to
33 inspection and examination by the commissioner during normal
34 business hours of the vendor or supervising entity.

35 **d.** An employee or authorized representative of a vendor



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____

1 shall not advertise, represent, or otherwise hold the employee
2 or authorized representative out as being a licensed insurance
3 producer under chapter 522B.

4 2. a. Charges for portable electronics insurance coverage
5 may be billed and collected by the vendor. Any charge to an
6 enrolled customer for coverage that is not included in the cost
7 associated with the purchase or lease of portable electronics
8 shall be separately itemized on the enrolled customer's bill.
9 If the portable electronics insurance is included with the
10 purchase or lease of portable electronics, the vendor shall
11 clearly and conspicuously disclose to the enrolled customer
12 that the portable electronics insurance is included with the
13 portable electronics.

14 b. A vendor that bills and collects charges for portable
15 electronics insurance shall not be required to maintain such
16 funds in a segregated account provided that the vendor is
17 authorized by the insurer to hold such funds in an alternative
18 manner and remits such amounts to the supervising entity within
19 sixty days of receipt.

20 c. All funds received by a vendor from an enrolled customer
21 for the purchase of portable electronics insurance shall be
22 considered funds held in trust by the vendor in a fiduciary
23 capacity for the benefit of the insurer. A vendor may receive
24 compensation for billing and collection services.

25 Sec. 5. NEW SECTION. 522E.5 Penalties — suspension or
26 revocation of license.

27 If a vendor or the vendor's employee or authorized
28 representative violates any provision of this chapter, the
29 commissioner may do any of the following:

30 1. After notice and hearing, impose penalties not to exceed
31 five hundred dollars per violation or five thousand dollars in
32 the aggregate for such violations.

33 2. After notice and hearing, take other affirmative action
34 that the commissioner deems necessary and reasonable to carry
35 out the purposes of this chapter, including the following:

LSB 1494XC (1) 85
av/nh

6/13



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____

1 a. Suspend the privilege of selling or offering for sale
2 portable electronics insurance pursuant to this chapter at
3 specific business locations where violations of this chapter
4 have occurred.

5 b. Suspend or revoke the ability of an individual employee
6 or authorized representative to sell or offer for sale portable
7 electronics insurance pursuant to the portable electronics
8 limited lines insurance license of a vendor.

9 Sec. 6. NEW SECTION. 522E.6 Termination of portable
10 electronics insurance.

11 Notwithstanding any other provision of law to the contrary:

12 1. An insurer may terminate or otherwise change the terms
13 and conditions of a policy of portable electronics insurance
14 only upon providing the vendor and enrolled customers with at
15 least thirty days' notice of such termination or change.

16 2. If the insurer changes the terms and conditions of a
17 policy of portable electronics insurance, the insurer shall
18 provide the vendor with a revised policy or endorsement and
19 each enrolled customer with a revised certificate, endorsement,
20 updated brochure, or other evidence indicating that a change in
21 the terms and conditions of the policy has occurred along with
22 a summary of material changes.

23 3. Notwithstanding subsection 1, an insurer may terminate
24 an enrolled customer's enrollment under a portable electronics
25 insurance policy with fifteen days' notice upon discovery of
26 fraud or material misrepresentation in obtaining coverage or in
27 the presentation of a claim under that coverage.

28 4. Notwithstanding subsection 1, an insurer may immediately
29 terminate an enrolled customer's enrollment under a portable
30 electronics insurance policy for any of the following reasons:

31 a. Nonpayment of premium.

32 b. If the enrolled customer ceases to have active service
33 with the vendor.

34 c. If the enrolled customer exhausts the aggregate limit of
35 liability, if any, under the terms of the portable electronics

LSB 1494XC (1) 85

-7-

av/nh

7/13



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____

1 insurance policy and the insurer sends notice of termination to
2 the enrolled customer within thirty days after exhaustion of
3 the limit. However, if notice is not timely sent, enrollment
4 shall continue notwithstanding the aggregate limit of liability
5 until the insurer sends notice of termination to the enrolled
6 customer.

7 5. If a portable electronics insurance policy is terminated
8 by a vendor, the vendor shall mail or deliver written notice
9 to each enrolled customer advising the enrolled customer
10 of the termination of the policy and the effective date of
11 termination. The written notice shall be mailed or delivered
12 to the enrolled customer at least thirty days prior to the
13 termination.

14 6. a. Whenever notice or correspondence with respect to a
15 policy of portable electronics insurance is required pursuant
16 to this section or is otherwise required by law, the notice
17 or correspondence shall be in writing and sent within the
18 notice period, if any, specified in the statute or regulation
19 requiring the notice or correspondence.

20 b. Notwithstanding any other provision of law to the
21 contrary, notices and correspondence may be sent by mail or by
22 electronic means as set forth in this lettered paragraph "b".

23 (1) If the notice or correspondence is sent by mail, it
24 shall be sent to the vendor at the vendor's mailing address
25 specified for such purpose and to the affected enrolled
26 customers at their last known mailing addresses on file with
27 the insurer. The insurer or vendor, as the case may be, shall
28 maintain proof of mailing in a form authorized or accepted
29 by the United States postal service or other commercial mail
30 delivery service.

31 (2) If the notice or correspondence is sent by electronic
32 means, it shall be sent to the vendor at the vendor's
33 electronic mail address specified for such purpose and to the
34 affected enrolled customers at their last known electronic mail
35 address as provided by each enrolled customer to the insurer or

LSB 1494XC (1) 85

-8-

av/nh

8/13



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____

1 vendor, as the case may be. For purposes of this subparagraph,
2 an enrolled customer's provision of an electronic mail address
3 to an insurer or vendor shall be deemed consent to receive
4 notices and correspondence by electronic means. The insurer or
5 vendor, as the case may be, shall maintain proof that a notice
6 or correspondence was sent by electronic means to an enrolled
7 customer.

8 7. Notice or correspondence required by this section or
9 otherwise required by law may be sent on behalf of an insurer
10 or vendor, as the case may be, by the supervising entity
11 appointed by the insurer.

12 Sec. 7. NEW SECTION. 522E.7 Application for license —
13 fees.

14 1. If a vendor is selling or offering to sell or will
15 sell or offer to sell portable electronics insurance in this
16 state, the vendor shall submit a sworn application for a
17 portable electronics limited lines insurance license to the
18 commissioner on an application form prescribed and furnished by
19 the commissioner.

20 2. The application form shall include the following
21 information:

22 a. The name, residence address, and other information
23 required by the commissioner for an employee or officer of
24 the vendor that is designated by the vendor as the person
25 responsible for or who will be responsible for the vendor's
26 compliance with the requirements of this chapter. However, if
27 the vendor derives more than fifty percent of its revenue from
28 the sale of portable electronics insurance, the information
29 required in this paragraph shall be provided for all officers,
30 directors, and shareholders of record of the vendor that have
31 beneficial ownership in the vendor of ten percent or more of
32 any class of securities registered under federal securities
33 law.

34 b. Provide the location of the vendor's home office.

35 3. Any vendor engaging in the sale of or offering for sale

LSB 1494XC (1) 85

-9-

av/nh

9/13



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____

1 portable electronics insurance on or before July 1, 2013,
2 shall apply for licensure under this chapter within ninety
3 days of the application form being made available by the
4 commissioner. Any vendor commencing operations in this state
5 after July 1, 2013, shall obtain a portable electronics limited
6 lines insurance license prior to selling or offering for sale
7 portable electronics insurance.

8 4. Initial portable electronics limited lines insurance
9 licenses issued pursuant to this chapter shall be valid for a
10 period of twenty-four months and shall expire on March of the
11 renewal year assigned by the commissioner.

12 5. Each vendor licensed under this chapter shall pay to the
13 commissioner a fee as prescribed by the commissioner by rule,
14 but in no event shall the fee exceed one thousand dollars for
15 an initial portable electronics limited lines insurance license
16 or five hundred dollars for each renewal of the license.
17 However, for a vendor that engages in portable electronics
18 transactions at ten or fewer locations in the state, the fee
19 shall not exceed one hundred dollars for an initial license and
20 one hundred dollars for each renewal of the license.

21 Sec. 8. NEW SECTION. 522E.8 Rules.

22 The commissioner shall adopt rules pursuant to chapter 17A
23 as necessary to implement and administer the provisions of this
24 chapter.

25 EXPLANATION

26 This bill regulates the sale of portable electronics
27 insurance in new Code chapter 522E by requiring licensure,
28 and providing for fees and penalties. "Portable electronics"
29 are electronic devices that are personal, self-contained,
30 easily carried by an individual, battery operated, and used
31 for communication, viewing, listening, recording, gaming,
32 computing, or global positioning, including cell or satellite
33 phones, pagers, personal global positioning satellite units,
34 portable computers, portable audio listening, video viewing, or
35 recording devices, digital cameras, video camcorders, portable

LSB 1494XC (1) 85

-10-

av/nh

10/13



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____

1 gaming systems, docking stations, automatic answering devices,
2 and other similar devices, and the accessories and services
3 related to the use of such devices.

4 "Portable electronics insurance" is insurance that provides
5 coverage for the repair or replacement of portable electronics
6 including various causes of loss. "Portable electronics
7 insurance" does not include a service contract or extended
8 warranty, a seller's or manufacturer's warranty obligations,
9 or other insurance such as homeowner's, renter's, automobile,
10 or commercial multiperil insurance. Vendors of portable
11 electronics sell or offer for sale such insurance pursuant
12 to a policy issued to the vendor by an insurer that offers
13 such coverage. The bill applies to vendors that have physical
14 locations in the state, as well as any internet site, call
15 center site, or similar location directed to residents of this
16 state.

17 Vendors are required to obtain a portable electronics
18 limited lines insurance license as required under new Code
19 chapter 522E to sell or offer for sale coverage under a
20 portable electronics insurance policy. Such a license
21 issued to a vendor authorizes any employee or authorized
22 representative of the vendor to sell or offer the insurance
23 coverage at each location in the state where the vendor
24 sells portable electronics. A "supervising entity" that is
25 a licensed insurer or licensed insurance producer under Code
26 chapter 522B must maintain a registry of vendor locations at
27 which portable electronics insurance is sold or solicited that
28 is available for inspection by the commissioner of insurance.

29 Vendors that sell portable electronics insurance are
30 required to offer written materials to customers that disclose
31 certain specified information about the insurance that is being
32 offered. Such insurance may be offered on a month-to-month
33 or other periodic basis. The disclosures contained in the
34 written materials must be offered to persons enrolling in
35 portable electronics coverage by hand delivery, ordinary

LSB 1494XC (1) 85

-11-

av/nh

11/13



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____

1 mail, or electronic mail, or by directing the customer to an
2 internet site containing the information. Portable electronics
3 insurance cannot be sold through a free trial offer. A
4 "free trial offer" is an offer to provide such insurance to a
5 customer free of charge for a limited time period subsequent
6 to which a charge is made to the customer without notice prior
7 to expiration of the free trial period. Eligibility and
8 underwriting standards must be established for each portable
9 electronics insurance program by the commissioner of insurance.
10 Employees and authorized representatives of a vendor may
11 sell or offer portable electronics insurance to customers
12 and are not subject to licensure under new Code chapter
13 522E or Code chapter 522B if certain training and oversight
14 requirements are met by the insurer and the supervising
15 entity appointed by the insurer. A vendor or an authorized
16 representative is required to maintain a list of all employees
17 or authorized representatives of the vendor who are authorized
18 to sell or offer portable electronics insurance to customers.
19 The list must be available for inspection and examination
20 during the vendor's normal business hours by the commissioner
21 of insurance upon 10 days' notice.
22 A vendor may bill and collect charges for portable
23 electronics insurance and be paid for doing so but is
24 considered to hold any funds collected in trust for the
25 insurer.
26 The commissioner of insurance may subject a vendor or the
27 vendor's employees or authorized representatives to penalties
28 for violations of the Code chapter not to exceed \$500 per
29 violation or \$5,000 in the aggregate. The commissioner may
30 also suspend the vendor's privilege of selling the insurance
31 at specific locations of the vendor or suspend or revoke
32 the selling privileges of a specific employee or authorized
33 representative of a vendor.
34 An insurer cannot terminate or otherwise change the terms of
35 a portable electronics insurance policy without giving notice

LSB 1494XC (1) 85
av/nh

12/13



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____

1 to the vendor and enrolled customers as provided in the bill.
2 Notice may be sent in writing by mail or by electronic means.
3 A vendor who is selling or offering to sell or will sell
4 or offer to sell portable electronics insurance in this state
5 must submit a sworn application for a portable electronics
6 limited lines insurance license to the commissioner. A vendor
7 who is engaging in the sale of such insurance on or before the
8 effective date of the bill must apply for a license within
9 90 days of the date the application form is made available
10 by the commissioner of insurance. Any vendor that commences
11 operations in the state after the effective date of the bill
12 must obtain a license prior to selling or offering for sale
13 portable electronics insurance.
14 Portable electronics limited lines insurance licenses shall
15 be valid for 24 months and shall not exceed \$1,000 for an
16 initial license or \$500 for a renewal of the license, except
17 that if a vendor has 10 or fewer locations in the state, the
18 license cost shall not exceed \$100 for an initial license and
19 for each renewal of the license.
20 The commissioner of insurance is required to adopt rules
21 pursuant to Code chapter 17A to implement and administer the
22 provisions of the bill.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

Senate Study Bill 1130 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
HUMAN SERVICES BILL)

A BILL FOR

1 An Act relating to mental health and disability services
2 requirements involving the department of human services
3 and including effective date and retroactive applicability
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1153XD (5) 85
jp/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 DIVISION I
2 MENTAL HEALTH AND DISABILITY SERVICES CLIENT IDENTIFIER
3 Section 1. Section 225C.6A, subsection 3, paragraph b, Code
4 2013, is amended to read as follows:
5 b. In implementing a system under this subsection for
6 collecting and analyzing state, county, and private contractor
7 data, the department shall establish a client identifier for
8 the individuals receiving services. ~~The client identifier~~
9 ~~shall be used in lieu of the individual's name or social~~
10 ~~security number. The client identifier shall consist of the~~
11 ~~last four digits of an individual's social security number,~~
12 ~~the first three letters of the individual's last name, the~~
13 ~~individual's date of birth, and the individual's gender in an~~
14 ~~order determined by the department.~~
15 DIVISION II
16 INTERAGENCY INFORMATION SERVICE ON PERSONS WITH MENTAL
17 DISABILITIES
18 Sec. 2. REPEAL. Section 218.11, Code 2013, is repealed.
19 Sec. 3. REPEAL. Chapter 220A, Code 2013, is repealed.
20 DIVISION III
21 SUBACUTE MENTAL HEALTH CARE FACILITIES
22 Sec. 4. Section 135G.3, subsection 2, Code 2013, is amended
23 to read as follows:
24 2. The licensed psychiatrist providing supervision of the
25 subacute care ~~facility~~ facility's treatment care plans shall
26 evaluate the condition of each resident as medically necessary
27 and shall be available to residents of the facility on an
28 on-call basis at all other times. Additional evaluation and
29 treatment may be provided by a mental health professional. The
30 subacute care facility may employ a seclusion room meeting the
31 conditions described in 42 C.F.R. § 483.364(b) with approval of
32 the licensed psychiatrist of the facility or by order of the
33 resident's physician, a physician assistant, or an advanced
34 registered nurse practitioner.
35 Sec. 5. Section 135G.4, subsection 2, Code 2013, is amended

LSB 1153XD (5) 85

-1-

jp/nh

1/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 to read as follows:

2 2. An intermediate care facility for persons with mental
3 illness licensed under chapter 135C may convert to a subacute
4 care facility by ~~providing~~ submitting an application for a
5 license in accordance with section 135G.5 accompanied by
6 written notice to the department that the facility has employed
7 a full-time psychiatrist and desires to make the conversion.
8 An intermediate care facility for persons with mental illness
9 applying for a license under this subsection remains subject to
10 subsection 1 until a license is issued.

11 Sec. 6. EFFECTIVE UPON ENACTMENT. This division of this
12 Act, being deemed of immediate importance, takes effect upon
13 enactment.

14 Sec. 7. RETROACTIVE APPLICABILITY. This division of this
15 Act applies retroactively to July 1, 2012.

16 DIVISION IV

17 COMMUNITY MENTAL HEALTH SERVICES BLOCK GRANT ALLOCATION

18 Sec. 8. 2011 Iowa Acts, chapter 126, section 20, subsection
19 1, paragraph d, is amended to read as follows:

20 d. Of the amount allocated to eligible services providers
21 under paragraph "c", 70 percent shall be distributed to the
22 state's accredited community mental health centers established
23 or designated by ~~counties~~ the department in collaboration with
24 mental health and disability services regions in accordance
25 with ~~law~~ chapter 230A or applicable administrative rule.
26 ~~If a county has not established or designated a community~~
27 ~~mental health center and has received a waiver from the~~
28 ~~mental health and disability services commission, the mental~~
29 ~~health services provider designated by that county is was~~
30 designated as authorized in section 230A.107, subsection 2,
31 the provider remains eligible to receive funding distributed
32 pursuant to this paragraph ~~in lieu of~~ as a community mental
33 health center. The funding distributed shall be used by
34 recipients of the funding for the purpose of developing and
35 providing evidence-based practices and emergency services

LSB 1153XD (5) 85

-2-

jp/nh

2/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 to adults with a serious mental illness and children with
2 a serious emotional disturbance. ~~The distribution amounts~~
3 ~~shall be announced at the beginning of the federal fiscal~~
4 ~~year and distributed on a quarterly basis according to the~~
5 ~~formulas used in previous fiscal years.~~ It is the intent of
6 the general assembly that the distribution amounts for future
7 federal fiscal years shall be determined by the department in
8 consultation with the mental health and disability services
9 regional administrators and announced by the beginning of the
10 federal fiscal year. Recipients shall submit quarterly reports
11 containing data consistent with the performance measures
12 approved by the federal substance abuse and mental health
13 services administration.

14 Sec. 9. EFFECTIVE UPON ENACTMENT. This division of this
15 Act, being deemed of immediate importance, takes effect upon
16 enactment.

17 EXPLANATION

18 This bill relates to mental health and disability services
19 requirements involving the department of human services (DHS)
20 and is organized into divisions.

21 MENTAL HEALTH AND DISABILITY SERVICES CLIENT IDENTIFIER.
22 This division amends Code section 225C.6A, relating to
23 disability services system redesign data, by eliminating
24 specific requirements for the client identifier that is used in
25 lieu of an individual's name or social security number.

26 INTERAGENCY INFORMATION SERVICE ON PERSONS WITH MENTAL
27 DISABILITIES. This division repeals Code chapter 220A,
28 requiring DHS to provide for a central data control and
29 exchange agency for persons believed to have mental
30 disabilities known as the "interagency case information
31 service".

32 The Code chapter includes sections stating purpose,
33 providing definitions, designating DHS as the administrative
34 agency for the information service, listing other state
35 agencies required to provide and receive information, listing

LSB 1153XD (5) 85

-3-

jp/nh

3/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 DHS duties, authorizing other public and private agencies to
2 provide or receive information, exempting the information
3 exchange from any state law or administrative rule that would
4 restrict information from being exchanged by the service,
5 authorizing the service to disseminate statistical information,
6 and providing immunity from liability for agencies and persons
7 participating under the Code chapter.

8 The division also repeals Code section 218.11 in the Code
9 chapter relating to institutions governed by DHS. The Code
10 section requires DHS to be the administrative agency for the
11 information service and perform the duties required by Code
12 chapter 220A.

13 SUBACUTE MENTAL HEALTH CARE FACILITIES. This division
14 amends certain provisions for licensure of subacute mental
15 health care facilities enacted in 2012 Iowa Acts, ch. 1120
16 (SF 2315). Licensure is administered by the department of
17 inspections and appeals in conjunction with DHS.

18 Code section 135G.3 is amended to require a licensed
19 psychiatrist to provide supervision of the subacute care
20 facility's treatment care plans rather than the subacute care
21 facility itself.

22 Code section 135G.4, requiring licensure of subacute
23 care facilities and authorizing a licensed intermediate care
24 facility for persons with mental illness (ICF/MI) to convert
25 to a licensed subacute facility after notifying the department
26 of inspections and appeals that certain requirements are
27 being met, is amended to require the ICF/MI to also submit
28 an application for licensure as a subacute care facility.
29 An ICF/MI is prohibited from establishing, operating, or
30 maintaining a subacute care facility until issued a license to
31 do so.

32 This division takes effect upon enactment and is
33 retroactively applicable to July 1, 2012.

34 COMMUNITY MENTAL HEALTH SERVICES BLOCK GRANT ALLOCATION.
35 This division amends the allocation requirements in the federal

LSB 1153XD (5) 85

-4-

jp/nh

4/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____ H.F. _____

1 community mental health services block grant appropriation for
2 federal fiscal year 2012-2013 made in 2011 Iowa Acts, chapter
3 126.

4 The amendments reflect changes made in Code chapter 230A
5 for designation of community mental health centers. The
6 amended Code chapter allows a for-profit corporation, nonprofit
7 corporation, or county hospital providing mental health
8 services to county residents pursuant to a waiver approved
9 under Code section 225C.7, subsection 3, Code 2011, as of
10 October 1, 2010, to be designated as a community mental
11 health center. Otherwise, only a nonprofit corporation can be
12 designated as a community mental health center. In addition,
13 the amendments state legislative intent that in future federal
14 fiscal years the distribution amounts for centers will be
15 determined by DHS in consultation with the mental health and
16 disability services regional administrators and announced by
17 the beginning of the federal fiscal year.
18 The division takes effect upon enactment.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

Senate Study Bill 1131 - Introduced

SENATE FILE _____

BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON RAGAN)

A BILL FOR

1 An Act relating to record checks of prospective and current
2 health care employees and certain students.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1738XC (5) 85
jp/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____

1 Section 1. Section 135C.33, subsection 2, Code 2013, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. *Ob.* (1) If a person being considered for
4 employment, other than employment involving the operation
5 of a motor vehicle, has been convicted of a crime listed in
6 subparagraph (2) but does not have a record of founded child or
7 dependent abuse and the licensee has requested an evaluation
8 in accordance with paragraph "a" to determine whether the crime
9 warrants prohibition of the person's employment, the licensee
10 may employ the person for not more than sixty calendar days
11 pending completion of the evaluation.

12 (2) Subparagraph (1) applies to a crime that is a simple
13 misdemeanor offense under section 123.47 or chapter 321, and
14 to a crime that is a first offense of operating a motor vehicle
15 while intoxicated under section 321J.2, subsection 1.

16 Sec. 2. Section 135C.33, subsection 8, Code 2013, is amended
17 by adding the following new paragraph:

18 NEW PARAGRAPH. *Od.* (1) If a student's clinical education
19 component of the training program involves children or
20 dependent adults but does not involve operation of a motor
21 vehicle, and the student has been convicted of a crime listed
22 in subparagraph (2), but does not have a record of founded
23 child or dependent adult abuse, and the training program has
24 requested an evaluation in accordance with paragraph "c"
25 to determine whether the crime warrants prohibition of the
26 student's involvement in such clinical education component, the
27 training program may allow the student's participation in the
28 component for not more than sixty days pending completion of
29 the evaluation.

30 (2) Subparagraph (1) applies to a crime that is a simple
31 misdemeanor offense under section 123.47 or chapter 321, and
32 to a crime that is a first offense of operating a motor vehicle
33 while intoxicated under section 321J.2, subsection 1.

34 Sec. 3. STUDY OF BACKGROUND CHECK IMPROVEMENTS
35 AND REQUIREMENTS FOR CERTAIN PROVIDERS OF HOME HEALTH

LSB 1738XC (5) 85

-1-

jp/nh

1/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____

1 SERVICES. The department of inspections and appeals, in
2 conjunction with the departments of human services and
3 public health, shall study the potential for applying new
4 technologies and other improvements that may be implemented for
5 the current processes of performing and evaluating child and
6 dependent adult abuse and criminal record checks of persons
7 providing health care services. In addition, the study shall
8 consider applying record check requirements to individuals and
9 agencies providing home health services that are not subject
10 to certification, licensing, or other regulation by state
11 government. The department shall submit a report with findings
12 and recommendations to the governor and general assembly on or
13 before December 15, 2013.

14 EXPLANATION

15 This bill relates to evaluation of the results of certain
16 criminal record checks of prospective health care employees by
17 the department of human services (DHS).

18 Code section 135C.33, relating to criminal and child or
19 dependent adult abuse record checks of employees of health
20 care facilities and certified nurse aide student trainees, is
21 amended. The record check requirement applies to prospective
22 employees of nursing facilities, residential care facilities,
23 and intermediate care facilities for persons with mental
24 illness or a developmental disability, various in-home service
25 providers, hospices, Medicaid waiver service providers, elder
26 group homes, and assisted living programs. The requirement
27 also applies to nurse aide students pursuant to Code section
28 152.4(3)(d).

29 Current law provides that if it is determined that a
30 person being considered for employment has been convicted of
31 a crime under a law of any state, the department of public
32 safety shall notify the licensee that upon the request of the
33 licensee DHS will perform an evaluation to determine whether
34 the crime warrants prohibition of the person's employment in
35 the facility.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 07, 2013

S.F. _____

1 The bill allows for conditional employment of not more than
2 60 calendar days of the prospective employee who was convicted
3 of a crime specified by the bill pending completion of the DHS
4 evaluation. The bill does not apply to employment involving
5 the operation of a motor vehicle or to persons with a record
6 of founded child or dependent adult abuse. The crimes covered
7 by the bill are limited to simple misdemeanor offenses under
8 Code section 123.47, involving purchase or possession of an
9 alcoholic beverage by a person who is not legal age, and
10 Code chapter 321, relating to motor vehicles and laws of the
11 road, and first offenses of operating a motor vehicle while
12 intoxicated under section 321J.2, subsection 1 (a serious
13 misdemeanor).

14 A similar new conditional employment exception is applied by
15 the bill to students applying for, enrolled in, or returning to
16 a certified nurse aide training program.

17 The department of inspections and appeals, in conjunction
18 with DHS and the department of public health, is required
19 to study the potential for applying new technologies and
20 other improvements that may be implemented for the current
21 processes of performing and evaluating child and dependent
22 adult abuse and criminal record checks of persons providing
23 health care services. In addition, the study is required to
24 consider applying record check requirements to individuals and
25 agencies providing home health services that are not subject
26 to certification, licensing, or other regulation by state
27 government. The department is required to report with findings
28 and recommendations to the governor and general assembly on or
29 before December 15, 2013.